

July 14, 2006

TO: Clerk of the Court  
The United States District Court  
Southern District of New York  
500 Pearl Street, Room 200  
New York, N.Y. 10007

-and-

Clerk of the Court  
U.S. Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, N.Y. 10004

-and-

Ronald L. Ellis or  
The Chief United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1970  
New York, N.Y. 10007

-and-

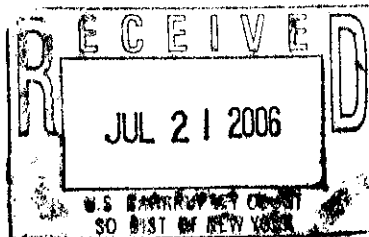
UNITED STATES DEPARTMENT OF JUSTICE  
Michael J. Garcia  
United States Attorney  
Southern District of New York  
C/O David S. Jones, Assistant U.S. Attorney  
86 Chambers Street, 3rd Floor

-and-

United States Marshal For The  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

-and-

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
Kayalyn A. Marafioti  
Thomas J. Matz  
Four Times Square  
New York, N.Y. 10036



-and-

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
John K. Lyons  
Ron E. Meisler  
John Wm. Butler, Jr.  
333 West Wacker Drive  
Chicago, IL 60606

Re: In Re Delphi Corp., debtors, debtors-in-possession,  
Case No. 05-44481 (RDD) bankruptcy frauds, bank  
frauds, racketeerings, extortions, embezzlements  
etc., in the U.S. Bankruptcy Court for the  
Southern District of New York violations of Title  
18 of the United States Code prohibitions under  
Federal crimes and criminal procedures laws

Criminal Complaint

Greetings Clerks above-named, Chief Magistrate Judge Ronald L.  
Ellis and United States Attorney's Office for the Southern  
District of New York et al:

Enclosed for filing under the Federal Rules of Civil Procedure's  
Rules 1, 2, 3 etc., "ONE FORM" of action requirements authorized  
as a civil action, including Rules 4.1 (a) and (b), 5 (a), (b) (1)  
and (2), (c), (d), and (e), 77 (a) et seq., as well as the Federal  
Rules of Bankruptcy Procedure, Rule 5005 (a)(1), you will find:

1. The above-named Complainant/Affiant/Deponent's =  
Criminal Complaint Arising Under Title 18 of the  
United States Code Sections 18; 20; 21; 23; 24;  
151; 241; 242; 281; 371; 401; 470; 591; 641;  
871; 911; 981; 1001; 1071; 1231; 1341; 1361;  
1501; 1581; 1621; 1691; 1901; 1951; 1961; 2071;  
2111; 2311; 2331; 2340; 2381 Etc.

-and-

Arising Under Provisions Of The United States  
Constitution Articles 1; 2 § 2, Clause 2; 3;  
4; 5; And 6 § 3.

-and-

Arising Under Amendments 1; 5; 8; 9; 10; 13;  
14; 15; 16 Etc., To The United States Constitution

-and-

Arising Under Acts Of Congress Pursuant To Title 18  
U.S.C. §§ 18; 20; 21; 23; 24; 151; 241; 242; 281;  
371; 401; 470; 591; 641; 871; 911; 981; 1001; 1071;  
1231; 1341; 1361; 1501; 1581; 1621; 1691; 1901; 1951;

1961; 2071; 2111; 2311; 2331; 2340; 2381 Etc.;  
Title 15 U.S.C. §§ 1 Et Seq., 15 Et Seq.;  
Title 42 U.S.C. §§ 1982, 1983, And 1987.

-with-

Affidavits In Support Of The Request To Issue  
Arrest Warrants On Each Named Defendant  
Severally And Separately.

2. Proof of Service.

Please file according to the clerk's legal filing duties owed  
to file "EVERY" paper without the vested judicial power to  
determine any sufficiencies or "NOT". Thank you.

In Truth, Righteousness & Peace,

*Earl Washington*  
Earl Washington

*Earl Washington*

enc./cc:

Greg Farrell, Journalist  
USA Today  
535 Madison Avenue, 20th Floor  
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Terry Deering, Editor  
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Alberto Gonzalez, U.S. Attorney General  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE PEOPLE OF THE  
UNITED STATES OF AMERICA,

Plaintiff,

UNITED STATES MAGISTRATE

-V-

CRIMINAL COMPLAINT

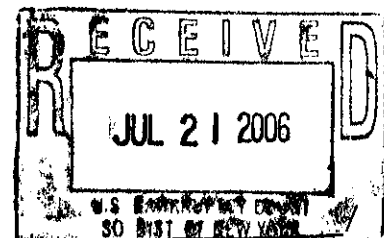
KATHLEEN FARRELL-WILLOUGHBY; AND  
THE FIRM OF SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP AND THOMAS  
J. MATZ; AND  
LATHAM & WATKINS LLP AND ROBERT  
J. ROSENBERG, MITCHELL A. SEIDER,  
MARK A. BROUDE; AND  
JOHN LUCAS; AND  
JPMORGAN CHASE BANK N.A.; AND  
CITIGROUP USA, INC.; AND  
THE GENERAL MOTORS CORPORATION AND  
BOARD OF DIRECTORS, JOHN DEVINE,  
RICHARD WAGONER, AND WILL BENNETT; AND  
THE DELPHI CORPORATION AND BOARD OF  
DIRECTORS, AND JOHN D. SHEEHAN; AND  
THE INTERNATIONAL UNION OF UNITED AUTO  
WORKERS AND RON GETTELFINGER,  
RICHARD SHOEMAKER, CAL RAPSON; AND  
JEFFREY COHEN AND THE PENSION  
BENNEFIT GUARANTY CORPORATION,  
severally and separately,

Defendants.

---

Lafonza Earl Washington  
Complainant/*AFFIANT/DEPONENT*  
7010 Cranwood Drive  
Flint, MI 48505  
Tel: 810.787.3150  
Cell: 810.922.0308

THE UNITED STATES DEPARTMENT OF JUSTICE  
Michael J. Garcia  
United States Attorney  
Southern District of New York  
c/o David S. Jones  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007  
Tel: 212.637.2800



CRIMINAL COMPLAINT ARISING UNDER TITLE 18  
OF THE UNITED STATES CODE SECTIONS 18; 20; 21;  
23; 24; 151; 241; 242; 281; 371; 401; 470; 591;  
641; 871; 911; 981; 1001; 1071; 1231; 1341;  
1361; 1501; 1581; 1621; 1691; 1901; 1951; 1961;  
2071; 2111; 2311; 2331; 2340; 2381 ETC.

-AND-

ARISING UNDER PROVISIONS OF THE UNITED STATES  
CONSTITUTION ARTICLES 1; 2 § 2, CLAUSE 2; 3;  
4; 5; AND 6 § 3.

-AND-

ARISING UNDER AMENDMENTS 1; 5; 8; 9; 10; 13;  
14; 15; 16 ETC., TO THE UNITED STATES CONSTITUTION

-AND-

ARISING UNDER ACTS OF CONGRESS PURSUANT TO TITLE 18  
U.S.C. §§ 18; 20; 21; 23; 24; 151; 241; 242; 281;  
371; 401; 470; 591; 641; 871; 911; 981; 1001; 1071;  
1231; 1341; 1361; 1501; 1581; 1621; 1691; 1901; 1951;  
1961; 2071; 2111; 2311; 2331; 2340; 2381 ETC.;  
TITLE 15 U.S.C. §§ 1 ET SEQ., 15 ET SEQ.;  
TITLE 42 U.S.C. §§ 1982, 1983, AND 1987.

WITH

AFFIDAVITS IN SUPPORT OF THE REQUEST TO ISSUE  
ARREST WARRANTS ON EACH NAMED DEFENDANT  
SEVERALLY AND SEPARATELY

These consolidated yet separate criminal charges demands the  
speedy arrest warrants be issued for the mass interstate felonious  
bankruptcy frauds, banking frauds, racketeerings, extortions,  
frauds, conspiracies, contempts, obstructions of justice etc., and  
speedy prosecutions and convictions and sentencing to the fullest  
extent allowed by law against each of the above-named defendants,  
severally and separately, in exercise of the Government's duties  
after being properly petitioned herein to redress the recovery of  
the illegally seized monetary property owned by this Complaint  
amounting to several millions of dollars that have been and

continues to be illegally seized by the criminally prohibited activities of each named defendant all as more fully set forth herein.

## I

Complainant, above-named, is now and at "ALL" times mentioned was, a resident of the City of Flint, County of Genesee, State of Michigan. Complainant owns \$1,013,272,539.00 of monetary property wrongfully, prohibitedly, and criminally being seized against the will of Complainant that is earning interest at the rate of \$416,890.00 per day, by law, that is being illegally extorted by the racketeerings, embezzlements, bankruptcy frauds, banking frauds, collusions, conspiracies etc., by the concerted activities of so-called joint administering, legal advisoring, scams by the crime ring calling themselves the official committee of unsecured creditors who is paying themselves "MILLIONS OF DOLLARS MONTHLY" but has "NOT" and will "NOT" respond to this unsecured creditor even once since October 8, 2005, to this very date, notwithstanding that the United States Bankruptcy Court for the Southern District of New York entered Orders for the payments of the "HUMAN CAPITAL OBLIGATIONS" and "CASH MANAGEMENT" also on October 8, 2005. See EXHIBIT #1.

## II

Defendant, Kathleen Farrell-Willoughby is the Clerk of the United States Bankruptcy Court for the Southern District of New York, located at One Bowling Green, New York, New York, 10004.

Defendant, SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP and Thomas J. Matz are recorded as Legal Advisors to the Delphi Corporation debtors, debtors-in-possession et al, located at Four Times Square, New York, New York, 10036

IV

Defendants, LATHAM & WATKINS LLP and Robert J. Rosenberg, Mitchell A. Seider, Mark A. Broude are recorded as the Official Committee of Unsecured Creditors located at 885 Third Avenue, New York, New York, 10022-4802.

V

Defendant, John Lucas is purported to be the Law Clerk of Judge Robert D. Drain who is located at the U.S. Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York, 10004.

VI

Defendant, JPMorgan Chase Bank N.A. guaranteed the Delphi Corporation et al, debtors, debts by providing cash collateral under certain Revolving Credit, Term Loan, and Guaranty Agreement financings as "LENDERS", "ADMINISTRATIVE AGENT", and also debtors-in-possession whose specific location is "NOT" identified.

VII

Defendant, Citigroup USA, Inc., co-guaranteed the Delphi Corporation's et al debtors, debts by co-providing cash collateral under certain Revolving Credit, Term Loan, and Guaranty Agreement

VIII

Defendant, General Motors Board of Directors, and John Devine General Motors Corporation CFO are listed as the person(s) familiar with Debtor's Account that shows on the Delphi's Corp., Consolidated List of Creditors Holding the Fifty largest Unsecured Claims and a location of the General Motors Corporation, 300 Renaissance Center, P.O. Box 300, Detroit, Michigan, 48265-3000.

IX

Defendant, General Motors Corporation, the GM Powertrain and its officer or employee Will Bennett, 920 East Leith Street, Flint, Michigan, 48550 is conspiring to deprive Complainant of the \$140,000.00 fraudulent Special Attrition Plan (SAP) retirement and non-forfeitable vested pension that have been accruing since Complainant's legal hire-in date to GM which was June 13, 1973, "THIRTY-THREE" years ago!

X

Defendant, General Motors Corporation and Richard Wagoner its Chairman and CEO has the business address of the General Motors Corporation, 300 Renaissance Center, P.O. Box 300, Detroit, Michigan, 48265-3000.

XI

Defendant, the Delphi Corporation Board of Directors and John D. Sheehan, Vice President and Chief Restructuring Officer has the



business address of Delphi Automotive Systems (Holding), Inc.,  
5785 Delphi Drive, Troy, Michigan, 48098-2815.

XII

Defendant, Ron Gettelfinger the non-membership elected President of the International United Auto Workers is located at the International Union, UAW, 8000 E. Jefferson Avenue, Detroit, Michigan, 48214.

XIII

Defendant, Richard Shoemaker, recently retired "THIRTY-YEARS PLUS", non-membership elected Vice President of the International UAW - General Motors Department - located at the International Union, UAW, 8000 E. Jefferson Avenue, Detroit, Michigan, 48214.

XIV

Defendant, Carl Rapson the non-membership elected Vice President of the International Union, UAW, and Director of the General Motors and Delphi Departments by illegal appointment, is located at the International Union, UAW, 8000 E. Jefferson Avenue, Detroit, Michigan, 48214.

XV

Defendant, Jeffrey Cohen, the unstatutory and unconstitutional Chief Counsel of the Pension Benefit Corp., has the business address of 1200 K Street, N.W., Washington, D.C. 20001.

XVI

**Primary Facts Sufficient To Make Prima Facie Showings Against Each Named Defendant - Separately And Co-Conspiringly - Establishing Probable Cause Requirements And Prima Facie Showings That There Has Been And Continues To Be Invasions of Complainant And Family's Rights For "7" Plus Years Is Stated As The Following!**

1. On October 8, 2005, the Delphi Corporation (that spun-off from its parent the General Motors Corporation in 1999), allegedly, filed the illegal Petition for bankruptcy VOLUNTARILY in the U.S. Bankruptcy Court for the Southern District of New York 100% fraudulently and this activity set-up one crime after another being committed in the Delphi Corp., et al debtors case against this Complainant et al!

2. The Delphi Corporation is headquartered in Troy, Michigan, and by law "ANY" bankruptcy filing was "BOUND" to be filed in the United States District Court For the Eastern District of "MICHIGAN" U.S. Bankruptcy Court according to specific Federal district territory limitations of the United States Code clearly showing that continuous crimes are being committed against Complainant, hundreds of thousands of hourly auto industry employees and the public commerce interest and "BOUND" by law to be prosecuted.

3. Yet, on October 8, 2005, Defendants John D. Sheehan, SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP, JPMorgan Chase Bank, N.A., Citigroup USA, Inc., General Motors Corporation, GM's Chairman and CEO Richard Wagoner, GM's CFO John Devine, the International Union of the UAW, its President Ron Gettelfinger, its Vice President of the GM Department Richard Shoemaker, the Pension Benefit Guarantee

Corporation et al, conspired, then co-conspired with Clerk of the Court Kathleen Farrell-Willoughby to complete the criminally prohibited case filing in the New York court in deliberate violations of the Michigan Federal court jurisdiction self-evidencing the continuous committing of crimes herein and 100% disrespect or contempt of the court, the law, Complainant and hundreds of thousands of hourly auto workers entitled to monetary property rights resulting in these citizens "NOT" having money to live on for the remainder of their lives after serving the corporations for "30" years! And "BOUND" by law to be prosecuted.

4. Exhibit #2 is a copy of the Voluntary Petition filed clearly showing on "FORM B1" that the Delphi Automotive Systems (Holdings), Inc., is a "TROY, MICHIGAN" located or addressed debtor prohibiting the New York court filing by law and clearly evidencing repeated crimes being committed, "BOUND" by law to be prosecuted.

5. Exhibit #3 is a copy of "FORM B1, Page 2" of the Voluntary Petition showing the "ELECTRONIC SIGNATURES" of John D. Sheehan who is 100% prohibited by law from the legal representation of the Delphi Corporation in "ANY" Court according to the United States Code based on being an officer of the corporation and evidencing continuous crimes being committed, "BOUND" by law to be prosecuted.

6. Exhibit #4 is a copy of the Voluntary Petition's "SCHEDULE I" where the conspirators et al, "ADMITS" that, "...ON THE DATE HEREOF...", which was October 8, 2005, the affiliates did "NOT" have any "PREVIOUS" filing in the New York court; yet, criminally prohibited false pretenses was 100% engaged in to fraudulently validate the parent Delphi Corporation's filings that

the co-conspirators, the bankruptcy and bank frauders etc., foreknew were deliberate, repeated crimes being uncontrollably committed, "BOUND" by law to be prosecuted!

7. As the legal advisors located in New York, SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP, including its office located in Chicago, as shown on Exhibit #3, they had a duty to represent or advise their client - Delphi Corp., et al - within the bounds of the law but deliberately neglected to for the purpose of extorting "MULTI-BILLIONS OF DOLLARS" fraudulently for its own cut of the embezzled etc., wealth and they are continuing to "NOT" represent lawfully "10" months afterwards, beginning with the illegal jurisdiction conspired Voluntary Petition filings et al, which are unquestionable activities self-evidencing the deliberate committing of "ON-GOING", additional, compounding of crimes against Complainant et al, that are "BOUND" by law to be prosecuted.

8. Exhibit #4 is a copy of the Voluntary Petition's "Consolidated List Of Creditors Holding The 'FIFTY' Largest Unsecured Claims", which shows that GM is listed number "1"; yet, GM's legal advisors, its Board of Directors, its CFO John Devine, its Chairman and CEO Richard Wagoner et al, knows or should know that the New York bankruptcy court does "NOT" have lawful "jurisdiction" of this case and is racketeering, extorting, frauding, embezzling, obstructing justice, bankruptcy frauding, bank frauding, engaging in criminal financial institution violations, civil and human rights violations, conspiracies, criminal contempt, embezzlement and theft from hourly employees benefit entitlements including crimes under each of the above cited statutes Sections, and prohibited offenses "BOUND" by law to be prosecuted.

9. Exhibit #5 shows that the Pension Benefit Guaranty Corp., and Chief Counsel Jeffrey Cohen is engaging in bankruptcy fraud, bank fraud etc., as the number "3" creditor, notwithstanding that the New York bankruptcy court does "NOT" have legal jurisdiction over the Delphi Corporation nor this fraudulent case, more than \$2 billion is being extorted, embezzeled etc., by Jeffrey Cohen via the PBGC based on the number "6" listed creditor's claim amounting to \$2 billion.

10. Exhibit #5 shows that the United Auto Workers and Richard Shoemaker is engaging in bankruptcy fraud and bank fraud etc., as the number "4" creditor, although the New York bankruptcy court does "NOT" have legal jurisdiction over the Delphi Corporation nor this fraudulent case and conspiracies with this Defendant has been set up to receive more than the number "6" named creditor who is receiving \$2 billion and without any justification as a non-membership elected body who is "required" to be directly elected by the hourly workers; yet, never was elected by the guaranteed "SECRET BALLOT" voted by each employee in the "33" years Complainant has been a local member that are continuous crimes being committed against Complainant, hundreds of thousands of hourly auto industry employees, as well as the public "COMMERCE" interest and is "BOUND" by law to be prosecuted.

11. The Constitutional right to exercise the right to "VOTE" has been, will continue to be violated by the non-member elected "OFFICES" of the International Union of the UAW etc., in direct conspiracies with the named defendants at the General Motors and Delphi etc., Corporations to engage in the rackeerings, robberies, extortions, fraudings, excessive income taxations seizures of

hourly employees monetary and other properties, including the illegal price-fixing of this Complainant's et al, pension that is "NOT" a collective bargained subject matter that discloses offenses and aggressions, attacking basic citizenship rights that prohibits "VOTING FRAUD", interferences with Constitutional Citizenship entitlements to "TIMELY" pensions that 100% "VESTED" or possessable by this Complainant "6" years of service to the corporation yet neglecting to be paid after "33" years of service or "85" years of "AGE" and service but the applicable law only requires a total of "55"; continuous crimes are clearly being committed against Complainant, hundreds of thousands of hourly employed auto industry workers, as well as the public "COMMERCE" interest and is "BOUND" by law to be prosecuted.

12. Bankruptcy is "NOT" one of the three authorized subject matters of collective bargaining which has been restricted to wages, hours and safety conditions inside the plant "ONLY"; yet, embezzlements and thefts, extortions and threats, racketeerings etc., is causing Complainant and family inhuman "7" years and continuing of human rights losses of 100% of "ALL" employee accrued compensations, benefits, non-wage income, pensions "VESTED" with and accumulated over "33" years etc., based on the illegal monopolies and combinations of monopolies wrongful engagements by each of the named Defendants herein individually and as co-conspirators which clearly shows prohibited crimes being committed, "BOUND" by law to be prosecuted!

13. Federal criminal laws prohibiting "ELECTION" and "VOTING" frauds makes it unlawful to conspire to injure etc., this citizen et al, in free exercise or enjoyment of right or privilege secured

to him by Constitution or laws of the United States clearly evidences that the International Union of the UAW monopolistic method of using non-elections to put officers in offices to deceitfully misrepresent hourly employees at constitutional conventions held in Las Vegas etc., are prohibited crimes being committed, and "BOUND" by law to be prosecuted.

14. A law of the United States under the National Labor Relations Act states and defines the rights of employees to organize and to bargain collectively with their employers through "representatives" of their "OWN" choosing or "NOT" to do so, is monopolized by the Delphi et al, corporations frauding more than \$2 billion plus to the International Union of the UAW in this case under the fraudulent disguise of wages and benefits that it does "NOT" owe the Union, yet, for "7" years and continuing the GM nor Delphi corporations will end the 100% illegal seizures of Complainant's wages, benefits, priority claims etc., which are prohibited crimes being committed herein, "BOUND" by law to be prosecuted.

15. Subversively and seditiously filling the offices of the International Union of the UAW with officers such as Defendants Ron Gettelfinger, Richard Shoemaker, Cal Rapson, including REGIONAL offices using methods that continues to deprive each and every hourly employee a "SECRET-BALLOT ELECTION" is prohibited by the U.S. Constitution and laws of the United States such as the National Labor Relation Act and are outlawed crimes being committed against Complainant et al, "BOUND" by law to be prosecuted.

16. The Federal criminal laws cited and applicable prohibits conspiracy to interfere with rights secured by the Constitution and

laws of the United States, outlaws interference with Complainant's et al, "VOTING RIGHTS" and "SECRET-BALLOT ELECTION RIGHTS" etc., and are rights established by the United States Constitution and laws that the International Union of the UAW is in collusions with and conspiracies with the Delphi Corporation, the GM Corporation et al, by subversively and seditiously being paid fraudulent wages and benefits amounting to multi-billions of dollars using bankruptcy frauds, banking frauds etc., in this case that is clearly the racketeerings, extortions and frauds robberies of wealth belonging to the corporations hourly employees being illegally claimed, illegally paid to the UAW et al, as well as illegally used to monopolize the Federal rights guaranteed to be protected by the Government to directly "VOTE" to "CHOOSE" office holding representatives within the International UAW, the Regional offices, so-called 'union benefit' representatives etc., and are clearly evidenced crimes being committed against Complainant et al, "BOUND" by law to be prosecuted.

17. It is "NOT" under the power of the National Labor Relation Act nor Board to prosecute "prosecutable" offenses against the Laws of the United States, but it is the duty of the U.S. Attorneys, assistant U.S. Attorneys, U.S. Magistrates etc., to prosecute these uncontrolled crimes against organized criminal extortions, embezzlements, racketeerings, robberies etc., by the named defendants of 100% of this Complainant and Family's living non-wage compensations and benefits for "7" plus years 100%, including the illegal seizure of the priority monetary property claims in the Delphi Corp., et al, bankruptcy case, which are clearly evidenced crimes being committed by the named defendants individually and co-conspiringly and required by law to be brought to speedy justice!



18. The law clerk of Judge Robert D. Drain identified himself as John Lucas in several telephone conversations; yet, this law clerk refuses 100% to mail verbal Orders and his exercise of arbitrary judicial power "NOT" vested in him to extort the payments owed on the Delphi Corp., et al, bankruptcy case, threatens and is carrying out the threats of "NOT" disbursing even one dime unless a non required Motion instead of the Ex Parte Applications are filed, notwithstanding the non-payment is described as bankruptcy fraud, extortions, embezzlements, racketeerings, robberies etc., under the laws of the United States which are clearly evidenced crimes being committed by the named defendants, individually and co-conspiringly and required by law to be brought to speedy justice.

19. LATHAM & WATKINS LLP, Robert J. Rosenberg, Mitchell A. Seider and Mark A. Broude are engaging in long-term bankruptcy fraud activities, the same extortions, embezzlements, racketeerings, frauds etc., criminal prohibitions that was previously used in the "SEARS" class action to illegally seize millions of dollars from Complainant, assertedly, and as the bankruptcy frauding, bank frauding, monopolistic and combination of monopoly 'Official Committee of Unsecured Creditors' is illegally conspiring, seizing millions of dollars of monetary property legally owned by this Complainant in Delphi Corp., et al, that are clearly evidenced crimes being committed by the named defendants, individually and co-conspiringly that is required by law to be brought to speedy justice.

20. Jeffrey Cohen the Chief Counsel at the illegal Pension Benefit Guaranty Corp., has conspired to seize Complainant et al, pensions earned and accrued over the "33" years of the GM/Delphi

Corps., employer and employee relationship, notwithstanding that the "ONLY" three subject matters authorized by the collective bargained Agreement to be negotiated between the GM/Delphi Corporations and the International Union of the UAW are wages, hours, and safety conditions inside the workplace, itself, which does "NOT" authorize "PENSIONS" and is an individually "VESTED" account fully or 100% vested and nonforfeitable after "6" years, by law; yet, after "33" years 100% of Complainant's pension is being extorted, racketeered, frauded, robbed, embezzled etc., by this "NONGOVERNMENT" agencies operations while compounding the offenses by being illegally invested with more than \$2 billion in the bankruptcy frauded, bank frauded etc., Delphi Corp. et al, debtors, debtors-in-possession case that are clearly evidenced crimes being committed by the named defendants, individually and co-conspiringly that is required by law to be brought to speedy justice.

21. The General Motors Board of Directors and the Corporation's CFO John Devine are knowingly engaging in conspiracies of bankruptcy frauds, banking frauds, RICO activities etc., with the Delphi Corporation, JPMorgan, Citigroup USA, Inc., the International UAW and the named defendants et al, to illegally seize Complainant's pension for "7" years and continuing, to illegally seize multi-millions of dollars of monetary properties provided under several insurance plans "vesting" employees (Complainant) and is illegally seizing the multi-millions of dollars of uncontested, non-objected to, non-scheduleable bankruptcy estate monetary property legally owned by Complainant since October 8, 2005, from Delphi Corp., JPMorgan Chase Bank N.A., Citigroup USA, Inc., et al, debtors, debtors-in-possession case that are clearly evidenced crimes being

22. The General Motors Corporation, the GM Powertrain and its officer or employee Will Bennett are knowingly engaging in conspiracies of bankruptcy frauds, banking frauds, RICO activities etc., with the Delphi Corp., JPMorgan, Citigroup USA, Inc., the International UAW and the named defendant officers et al, to illegally seize Complainant's pension for "7" years and continuing, to illegally seize the multi-millions of dollars of monetary properties provided under several insurance plans "VESTING" employees (Complainant) and is illegally seizing the multi-millions of dollars of uncontested, non-objected to, non-scheduleable bankruptcy estate monetary property statutorily and legally owned by Complainant since October 8, 2005, and with specificity the 'SPECIAL ATTRITION PLAN' (SAP) payments of \$140,000.00, including the "VESTED", nonforfeitable monthly pension illegally and falsely pretended to be granted GM in conspiracies with the Delphi Corp., JPMorgan Chase Bank N.A., Citigroup USA, Inc., et al, debtors, debtors-in-possession case that are clearly evidenced crimes being committed by these named defendants, individually and co-conspiringly that is required by law to be brought to speedy justice.

23. The General Motors Corporation's Chairman and CEO Richard Wagoner is charged with "ALL" of the above-stated bankruptcy frauds, bank frauds, RICO conspiracies, as well as publicly ordering a "murder" for hire "HIT" on Complainant in the headline or top story in the Flint Journal Newspaper on October 18, 2005, deceptively; since the publishing of Wagoner's picture and \$2,300 "HIT" offered to any one or everyone Complainant and Family's lives is being

threatened everyday, whether at home or going to work, driving down the street or cutting the grass or blowing the snow, whether in praise and prayer service at church or at the grocery store, twenty-four hours, seven days a week for "10" months and crimes of assaults with deadly weapons and nonsense murders using firearms on the northside of the City of Flint, Michigan, and specifically in Complainant's neighborhood has increased to the level that has surpassed large cities such as Detroit, Michigan, Los Angeles, California, Houston, Texas etc., to give the city a ranking as the #2 murder capital in the United States during the past "10" months and is continuing with "TWO" little girls riding in the car with family members on Thursday July 6, 2006, gunned down just a few houses away from Complainant's residency; the timing at 2:30PM was "timing" Complainant's daily departure at that same time! This is clear evidence of repeated and continuous organized criminal acts against Complainant's life and property entitlements being jeopardized and threatened every single "HOUR", every single "DAY" for "10" plus months by these named defendants, individually and co-conspiringly that is required by law to be brought to speedy justice. See Exhibits #6, #7, and #8!

24. Exhibit #9 is a letter dated December 13, 2005, from Kathleen Farrell-Willoughby the clerk of the U.S. Bankruptcy Court for the Southern district of New York acknowledging the receiving of Complainant's claims almost "2" months after the claims were required to be recorded although the clerk's office is a nondiscretionary, nondecision-making, statutory functioning office the legal "MISREPRESENTATIONS", bankruptcy frauds, bank frauds etc., are clearly evidenced by the clerk making "ANY" explanation whatsoever,

and the explanations made openly by her is the admissions of being 100% "GUILTY" of obstructing justice, contempts, embezzlement and thefts, extortion and threats to deprive rights under color of law, conspiracies against the rights of citizens etc., as cited above, Section by Section, which warrants speedy prosecution and conviction.

25. Exhibit #9 clearly evidences that the clerk stated, "As I explained to you telephonically today, I cannot issue an order to pay any of these claims", is the proof of bankruptcy frauds engagements etc., involved in by this clerk further confirmed by:

(i) Exhibit #10 that was part of the Voluntary Petition filed on October 8, 2005, by John D. Sheehan the Delphi Corp., vice-president and chief restructuring officer identified as the "Delphi Automotive Systems (Holding), Inc. Unanimous Written Consent Of The Board Of Directors", providing the statutory security by Delphi submitting itself and "MULTI-BILLIONS" of dollars to the court's jurisdiction as surety agents to pay "ALL" Delphi's liabilities and expenses using certain Revolving Credit, Term Loan, and Guaranty Agreement to be dated the date of the filing of the petition or on October 8, 2005...which Loan Documents (A) provide the Parent with loan facilities of \$2,000,000,000.00 that and (B), required "ALL" of the Parent's obligations therein to be guaranteed..., including the priority payment of Complainant's valid and allowed claim.

(ii) Provisional and final remedies mandated that the debtors et al, give security or other undertaking and to submit to the jurisdiction of the U.S. District Court for the Southern District of New York's Bankruptcy Division, which it did, and further authorized that the clerk thereby be "IRREVOCABLY" appointed

(iii) The provisional and final remedies also commanded or authorized the clerk, Kathleen Farrell-Willoughby to enforce the surety's liability when application was made directing or requesting the enforcement without the necessity of an independent action, yet, the clerk is repeatedly and continuously engaging in criminal conspiracies, bankruptcy frauds, bank frauds etc., for "10" months to illegally "NOT" disburse Complainant's monetary property which are 100% offenses against the laws of the United States she is "BOUND" to be prosecuted for knowingly violating.

26. As required this Criminal Complaint is the written statements clearly evidencing the essential facts constituting some of the known offenses that the above-named defendants are authorized by Federal criminal laws or statutes to be charged with disclosing 100% probable cause to issue the demanded arrest warrants and to recover Complainant's extorted property.

27. However, there is well-known authority to granting this criminal complaint to be filed with this magistrate where it need "ONLY" charge crime and need "NOT" show probable cause on its face to give jurisdiction to the magistrate.

28. Notwithstanding that the First Amendment to the Bill of Rights of the U.S. Constitution provides the individual citizen with private rights to petition the Government for the redress of grievances in "GENERAL" which necessarily satisfies the "ONE FORM" jurisdictional limitations to "CIVIL ACTIONS" provided under Rule 2 of the Federal Rules of Civil Procedure that is applicable to

to criminal proceedings, it is demanded and asserted, attached as an insurance policy are two different letters from Assistant United States Attorney David S. Jones approvals for this Complainant to file these criminal complaints.

29. Forum non conveniens clearly exists evidencing the New York located U.S. District Court, including the Bankruptcy Division being an inconvenient court(s) for Complainant to personally appear before to make this Criminal Complaint upon oath before a magistrate of this New York court; however, the oath requirements is shown to be satisfied by Exhibits #11 and #12 based on the United States Attorney for the Southern District of New York office authorizing these Criminal Complaints. See <sup>FEDERAL CRIMINAL PROCEDURE</sup> Rules 1, 2, 3, 4, 5, 5.1 et seq., 54 (a) et seq.; BYRNES -V- U.S., C.A. Cal. 1964, 327 F.2d 825, cert den 84 S.Ct. 1652, 377 U.S. 970, 12 L.Ed.2d 739; U.S. -V- BRYSON, D.C. Okl. 1977, 434 F.Supp. 986.

30. In U.S. -V- WALKER, C.A.N.Y. 1952, 197 F.2d 287, cert den 73 S.Ct. 172, 344 U.S. 877, 97 L.Ed. 697, the higher New York Court of Appeals agreed and their Agreement was supported by the United States Supreme Court that, "Complaint substantially following statutory language of offense charged was sufficient", and Complainant's Criminal Complaints herein are following the statutory language of each offense charged where each offense charged is 100% injurious to Complainant and the public and "BOUND" by law to be prosecuted.

31. There is no other case like this in the history of the modern day United States court and judicial system asserting that no prior Supreme Court case context nor any other court's is substan-

tially similar; this New York Court's jurisdictional authority cannot be questioned by any defendant's theory or further false pretenses under color of law; Complainant's Criminal Complaints shows substantiality of constitutional claims, grievances and charges beyond any reasonable "PERSON'S" reasonable doubt; the constitutional claims, grievances and charges cannot be prejudiced nor discriminated against by any authority or than the "JURY'S" unjust decision; but, when these cases get to the juries the substantial federal jurisdiction exercise is justifiably completed as the laws requires it to be herein. See MELCHER -V- BLUM (1980, SD NY) 507 F Supp 14.

32. This Affiant's or Complainant's or Deponent's answer to the Magistrate's hypothetical question of, "What makes you and me think that the defendants committed the offenses charged", is:

(i) Personal knowledge and personal injuries being repeatedly suffered by these prohibited activities being carried out against Complainant for "7" plus years that are continuing to be illegally inflicted.

(ii) The above-stated offenses are also injurious to the public and are "similarly" being used to attack hundreds of thousands of other public citizens who are hourly employed auto workers, including our families that are compounding prohibited criminal etc., injuries to an aggregate of millions of innocent citizens that is clearly evidenced within the Complaint where great documentary proofs also exists on public records in this New York court's clerk's office of the Bankruptcy Division clearly establishing the incriminating facts of information that "BINDS" on this Court the "CONSTITUTIONAL" and "STATUTORY" duties to justly arraign,



(iii) On July 12, 2006, SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP offices located in New York and Chicago, Illinois, continued to engage in the offenses of bankruptcy frauds, bank frauds, racketeerings, extortions, frauds, conspiracies, obstructions of justice etc., by serving upon Complainant via FedEx Express an additional document evidencing their concerted criminal activities identified as 'Debtors' Response To Lafonza Earl Washington's Demand For Immediate Distribution':

A. These attacks are further contempt of the court's authority because no Order was granted to this racketeer influence corrupt organization to file this prejudicial document on the court's records.

B. These documents are 100% "VOID" based on no seal of the court proved it was even filed in the clerk's office as required to be.

C. No signature of any attorney's "OWN HAND" clearly shows that this firm and the "5" different attorneys whose names are typed in "NOT" signatorized knows that there is "NOT" one statute of the United States, nor Federal Rules of Bankruptcy Procedure, nor Federal Rules of Civil Procedure, nor valid and binding contract existing for them to be retained as legal attorneys of Delphi's et al, based on Exhibit #10, the 'Delphi Automotive Systems (Holding), Inc. Unanimous Written Consent Of The Board Of Directors' proposing the petition to be filed by the Corporation in the United States Bankruptcy Court for the Southern District of New York, instead of Delphi's legally required jurisdiction which is The United States

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District Court for the Eastern District of "Michigan's" Bankruptcy  
Court Division and is admissions of "GUILT" that they have no  
authority to be falsely pretending or falsely personating as  
Delphi's attorneys who are illegally bankruptcy frauding more than  
\$175,000.00 a month in fees "NOT" earned for services rendered! See  
Exhibit #13.

D. "NOT" one Proof of Service nor Return of Service of any  
documents filed or falsely pretended to be filed is shown to be  
legally recorded with the Clerk of the U.S. Bankruptcy Court for the  
Southern District of New York as required by law to be; unless a  
filing and transmittal of papers, lists, schedules, statements,  
proofs of claim or interest, complaints, motions, applications,  
objections and other papers (NOTICES as well as the original  
Voluntary Petition itself), is filed with the clerk it has no legal  
force; the clerk of this court's bankruptcy's division Kathleen  
Farrell-Willoughby including each of the other named defendants and  
a perpetrator "NOT" named Kurtzman, Carson Consultants the fraudu-  
lent Notice and Claims Agent of the Delphi Corporation with  
addresses at 12910 Culver Blvd., Suite 1, Los Angeles, California,  
90066, telephone 1.310.823.9000 and PO Box 4005, Venice, California,  
90291, knowingly are perpetrating the "LARGEST" bankruptcy frauds,  
bank frauds, extortions of employee benefits and "ALL" other hourly  
employee etc., monetary properties in the history of the United  
States amounting to an estimated \$54 BILLION and more that are  
clearly evidenced crimes or offenses against the laws of the United  
States "BOUND" to be prosecuted and speedy justice with recovery of  
Complainant's stolen property returned immediately!

E. The original website of the U.S. Bankruptcy Court for

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the Southern District of New York provided on the original Case  
Information page has also disappeared from this court's system at  
www.nysb.uscourts.gov, which are clearly evidenced activities of  
these organized criminal attempts to fraudulently conceal and  
suppress their "GUILTY" tracks of the engagement in crimes and  
offenses against the laws of the United States "BOUND" to be  
prosecuted, convictions handed out, forfeitures of properties  
etc.! See Exhibit #14.

"I DECLARE, AFFIRM, APPROVE, CONFIRM,  
ATTEST TO OR BEAR WITNESS THAT THE  
STATEMENTS ABOVE ARE TRUE TO THE BEST  
OF MY INFORMATION, KNOWLEDGE AND BELIEF."

*Lafonza Earl Washington*  
*Lafonza Earl Washington*  
BY: Lafonza Earl Washington  
Complainant/Affiant/Deponent

Dated: July 14, 2006

PROOF OF SERVICE

STATE OF MICHIGAN)  
COUNTY OF GENESEE)

I, Lafonza Earl Washington deposes, states:

That on July 15, 2006, he did serve by United States Postal Service mail, postage prepaid, the documents identified below upon the persons, firms, corporations, businesses etc.:

1. The above-named Complainant/Affiant/Deponent<sup>†</sup> Criminal Complaint Arising Under Title 18 of the United States Code Sections 18; 20; 21; 23; 24; 151; 241; 242; 281; 371; 401; 470; 591; 641; 871; 911; 981; 1001; 1071; 1231; 1341; 1361; 1501; 1581; 1621; 1691; 1901; 1951; 1961; 2071; 2111; 2311; 2331; 2340; 2381 Etc.

-and-

Arising Under Provisions Of The United States Constitution Articles 1; 2 § 2, Clause 2; 3; 4; 5; And 6 § 3.

-and-

Arising Under Amendments 1; 5; 8; 9; 10; 13; 14; 15; 16 Etc., To The United States Constitution

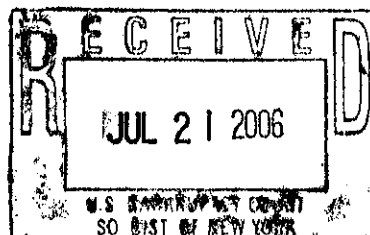
-and-

Arising Under Acts Of Congress Pursuant To Title 18 U.S.C. §§ 18; 20; 21; 23; 24; 151; 241; 242; 281; 371; 401; 470; 591; 641; 871; 911; 981; 1001; 1071; 1231; 1341; 1361; 1501; 1581; 1621; 1691; 1901; 1951; 1961; 2071; 2111; 2311; 2331; 2340; 2381 Etc.; Title 15 U.S.C. §§ 1 Et Seq., 15 Et Seq.; Title 42 U.S.C. §§ 1982, 1983, And 1987

-with-

Affidavits In Support Of The Request To Issue Arrest Warrants On Each Named Defendant Severally And Separately.

Please file according to the Federal Rules of Civil Procedure's Rules 1, 2, 3 etc., "ONE FORM" of action requirements authorized this for civil, including Rules 4.1 (a) and (b), 5 (a), (b) (1)



and (2), (c), (d), and (e), 77 (a) et seq., as well as the Federal Rules of Bankruptcy Procedure, Rule 5005 (a) (a).

*Lafonza Earl Washington*  
*Lafonza Earl Washington*  
BY: *Lafonza Earl Washington*  
Complainant/Affiant/Deponent

Mailed to:

Clerk of the Court  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 200  
New York, N.Y. 10007

Clerk of the Court  
U.S. Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, N.Y. 10004

Ronald L. Ellis or  
The Chief United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1970  
New York, N.Y. 10007

United States Department of Justice  
Alberto Gonzalez, U.S. Attorney General  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

United States Department of Justice  
Michael J. Garcia  
United States Attorney  
Southern District of New York  
c/o David S. Jones, Assistant U.S. Attorney  
86 Chambers Street, 3rd Floor  
New York, N.Y. 10007

United States Marshal For the  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
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Thomas J. Matz  
Four Times Square  
New York, N.Y. 10036

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- and -

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(212) 735-3000  
Kayalyn A. Marafioti (KM 9632)  
Thomas J. Matz (TM 5986)

Attorneys for Delphi Corporation, et al.,  
Debtors and Debtors-in-Possession

Delphi Legal Information Hotline:  
Toll Free: (800) 718-5305  
International: (248) 813-2698

Delphi Legal Information Website:  
<http://www.delphidocket.com>

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	x	
	:	
In re	:	Chapter 11
	:	
DELPHI CORPORATION, <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	
Debtors.	:	(Jointly Administered)
	:	
-----	x	

NOTICE OF HEARING ON FIRST DAY MOTIONS

PLEASE TAKE NOTICE THAT on October 8, 2005 (the "Petition Date"), Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates (the "Affiliate Debtors"), debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), filed voluntary petitions for reorganization relief under Chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 - 1330, as amended (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").

PLEASE TAKE FURTHER NOTICE that on October 8, 2005, the Bankruptcy Court entered the following orders (copies of which may be obtained at [www.delphidocket.com](http://www.delphidocket.com)):

1. **"Joint Administration"** - Order Authorizing Joint Administration (Agenda Item No. 1; Docket No. 28);
2. Order Authorizing Admission Pro Hac Vice Of John Wm. Butler, Jr., John K. Lyons And Ron E. Meisler (Agenda Item No. 2; Docket No. 33);
3. Order Authorizing Admission Pro Hac Vice Of Charles E. Brown And Joseph E. Papelian (Agenda Item No. 3; Docket No. 34);
4. **"Human Capital Obligations"** - Bridge Order Under 11 U.S.C. §§ 105(a), 363, 507, 1107, And 1108 (I) Authorizing Debtors To Pay Prepetition Wages And Salaries To Employees And Independent Contractors, (II) Authorizing Debtors To Pay Prepetition Benefits And Continue Maintenance Of Human Capital Benefit Programs In Ordinary Course, And (III) Directing Banks To Honor Prepetition Checks For Payment Of Prepetition Human Capital Obligations (Agenda Item No. 10; Docket No. 31);
5. **"Essential Suppliers"** - Bridge Order Under 11 U.S.C. §§ 105(a), 363, 364, 1107, And 1108 And Fed. R. Bankr. P. 6004 And 9019 Authorizing Continuation Of Vendor Rescue Program And Payment Of Prepetition Claims Of Financially-Distressed Sole Source Suppliers And Vendors Without Contracts (Agenda Item No. 15; Docket No. 30);
6. **"Foreign Creditors"** - Bridge Order Under 11 U.S.C. §§ 105(a) And 363(b) Authorizing (I) Payment Of Prepetition Obligations To Foreign Creditors And (II) Financial Institutions To Honor And Process Related Checks And Transfers (Agenda Item No. 16; Docket No. 32);



7. **"Administrative Expense"** - Bridge Order Under 11 U.S.C. § 503(b) Confirming Grant Of Administrative Expense Status To Obligations Arising From Postpetition Delivery Of Goods And Authorizing Debtors To Pay Such Obligations In Ordinary Course Of Business (Agenda Item No. 18; Docket No. 35);
8. **"Shipping And Customs"** - Bridge Order Under 11 U.S.C. §§ 105 And 363(b), 1107, And 1108 Authorizing Payment Of Certain Prepetition (I) Shipping And Delivery Charges For Goods In Transit And (II) Customs Duties (Agenda Item No. 20; Docket No. 40);
9. **"Cash Management"** - Bridge Order Under 11 U.S.C. §§ 363 And 553 Authorizing (I) Continued Maintenance Of Existing Bank Accounts, (II) Continued Use Of Existing Cash Management System, (III) Continued Use Of Existing Business Forms, (IV) Preservation And Exercise Of Intercompany Setoff Rights, And (V) Grant Of Administrative Priority Status For Postpetition Intercompany Transactions (Agenda Item No. 22; Docket No. 36);
10. **"Investment Guidelines"** - Bridge Order Under 11 U.S.C. § 345 Authorizing Continued Use Of Existing Investment Guidelines (Agenda Item No. 23; Docket No. 38);
11. **"Customer Programs"** - Bridge Order Under 11 U.S.C. §§ 105(a), 363, 1107, And 1108 Authorizing The Debtors To Honor Prepetition Obligations To Customers And To Otherwise Continue Customer Programs In Ordinary Course Of Business (Agenda Item No. 24; Docket No. 39);
12. **"Cash Collateral"** - Bridge Order Under 11 U.S.C. §§ 361, 362, And 363 Authorizing Use Of Cash Collateral And Adequate Protection To Prepetition Secured Parties (Agenda Item No. 28; Docket No. 46); and
13. **"Derivative Contracts"** - Bridge Order Under 11 U.S.C. §§ 105, 363, 1107, And 1108 And Fed. R. Bankr. P. 4001 Authorizing Debtors To Enter Into, Continue Performance Under, And Provide Credit Support Under Derivative Contracts (Agenda Item No. 30; Docket No. 45).

PLEASE TAKE FURTHER NOTICE THAT a hearing will be held on October 11, 2005 at 4:00 p.m. (Eastern Time), or as soon thereafter as counsel can be heard, before the Honorable Judge Robert D. Drain, United States Bankruptcy Judge for the Southern District of New York, Room 601, 6<sup>th</sup> Floor, One Bowling Green, New York, New York 10004, to consider the following motions filed by the Debtors on the Petition Date:

1. **"Consolidated Lists"** - Motion For Order Under 11 U.S.C. § 521 And Fed. R. Bankr. P. 1007(a) Authorizing Debtors To (I) Prepare Consolidated List Of

PLEASE TAKE FURTHER NOTICE THAT copies of the first-day hearing notice and the first-day motions are posted on [www.delphidocket.com](http://www.delphidocket.com). Parties may participate or attend this hearing in person or by telephone. Telephonic participation and attendance is available by calling Court Conference at (866) 582-6878. Parties wishing to appear through Court Conference should contact Court Conference as early today as possible to register. Under no circumstances may any participant or attendee record or broadcast the proceedings conducted by the Bankruptcy Court.

Dated: New York, New York  
October 11, 2005

SKADDEN, ARPS, SLATE, MEAGHER  
& FLOM LLP

By: s/ John Wm. Butler, Jr

John Wm. Butler, Jr.

John K. Lyons

Ron E. Meisler

333 West Wacker Drive, Suite 2100

Chicago, Illinois 60606

(312) 407-0700

- and -

By: s/ Kayalyn A. Marafioti

Kayalyn A. Marafioti (KM 9632)

Thomas J. Matz (TM 5986)

Four Times Square

New York, New York 10036

(212) 735-3000

Attorneys for Delphi Corporation, et al,  
Debtors and Debtors-in-Possession

212 805 0136  
0652

259 #  
1689819

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COURT

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3055688

FORM B1

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United States Bankruptcy Court  
Southern District of New York

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):  
**Delphi Automotive Systems (Holding), Inc.**

Name of Joint Debtor (Spouse) (Last, First, Middle):

All Other Names used by the Debtor in the last 6 years  
(include married, maiden, and trade names):  
N/A

All Other Names used by the Joint Debtor in the last 6 years  
(include married, maiden, and trade names):

Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No.  
(if more than one, state all):  
**38-3422378**

Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if  
more than one, state all):

Street Address of Debtor (No. & Street, City, State & Zip Code):  
**Delphi Automotive Systems (Holding), Inc.  
5785 Delphi Drive  
Troy, Michigan 48098-2815**

Street Address of Joint Debtor (No. & Street, City, State & Zip Code):

County of Residence or of the  
Principal Place of Business:  
**Oakland County, Michigan**

County of Residence or of the  
Principal Place of Business:

Mailing Address of Debtor (if different from street address):  
**Same as Street Address**

Mailing Address of Joint Debtor (if different from street address):

Location of Principal Assets of Business Debtor  
(if different from street address above):  
**Same as Street Address**

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- ☐ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.  
☒ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

- ☐ Individual(s) ☐ Railroad  
☒ Corporation ☐ Stockbroker  
☐ Partnership ☐ Commodity Broker  
☐ Other ☐ Clearing Bank

Chapter or Section of Bankruptcy Code Under Which the Petition is  
Filed (Check one box)

- ☐ Chapter 7 ☒ Chapter 11 ☐ Chapter 13  
☐ Chapter 9 ☐ Chapter 12  
☐ Sec. 304 - Case ancillary to foreign proceeding

Nature of Debts (Check one box)

- ☐ Consumer/Non-Business ☒ Business

Filing Fee (Check one box)

- ☒ Full Filing Fee attached  
☐ Filing Fee to be paid in installments (Applicable to individuals only)  
Must attach signed application for the court's consideration certifying  
that the debtor is unable to pay fee except in installments. Rule  
1006(b). See Official Form No. 3.

Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. § 101  
☐ Debtor is and elects to be considered a small business under  
11 U.S.C. § 1121(e) (Optional)

Statistical/Administrative Information (Estimates only)

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.  
☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be  
no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors

1-15	16-49	50-99	100-199	200-999	1000-over
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Estimated Assets

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Estimated Debts

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Voluntary Petition**

(This page must be completed and filed in every case)

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Name of Debtor(s):

**Delphi Automotive Systems (Holding), Inc.**

**Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**

Location

Where Filed: **NONE**

Case Number:

**N/A**

Date Filed:

**N/A**

**Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)**

Name of Debtor:

**See Schedule I attached**

Case Number:

**Pending**

Date Filed:

**Date hereof**

District:

**Southern District of New York**

Relationship:

**Affiliate**

Judge:

**SIGNATURES**

**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11 of the United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11 of the United States Code, specified in this petition.

X

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (if not represented by attorney)

Date

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition

**Exhibit B**

(To be completed if debtor is an individual whose debts are primary consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11 of the United States Code, and have explained the relief available under each such chapter.

X

Signature of Attorney for Debtor(s)

Date

**Exhibit C**

Does the debtor own or have possession of any property that poses a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☒ No.

**Signature of Attorney**

X /s/ John Wm. Butler, Jr.

Signature of Attorney for Debtor(s)

John Wm. Butler, Jr.

Printed Name of Attorney Debtor(s)

Skadden, Arps, Slate,

Meagher & Flom LLP

Firm Name

333 West Wacker Drive, Suite 2100

Chicago, Illinois 60606-1285

Address

(312) 407-0700

Telephone Number

October 8, 2005

Date

**Signature of Attorney**

X /s/ Kayalyn A. Marafioti

Signature of Attorney for Debtor(s)

Kayalyn A. Marafioti

Printed Name of Attorney Debtor(s)

Skadden, Arps, Slate,

Meagher & Flom LLP

Firm Name

Four Times Square

New York, New York 10036

Address

(212) 735-3000

Telephone Number

October 8, 2005

Date

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11 of the United States Code, specified in this petition.

X /s/ John D. Sheehan

Signature of Authorized Individual

John D. Sheehan

Printed Name of Authorized Individual

Vice President and Chief Restructuring Officer

Title of Authorized Individual

October 8, 2005

Date

**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number (Required by 11 U.S.C. § 110(c).)

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

**SCHEDULE I**

**PENDING BANKRUPTCY CASES OF AFFILIATES**

The following affiliates, which include the Debtor, have filed voluntary petitions under chapter 11 with this Court, on the date hereof:

ASEC Manufacturing General Partnership (Delaware)  
ASEC Sales General Partnership (Delaware)  
Aspire, Inc. (Michigan)  
Delco Electronics Overseas Corporation (Delaware)  
Delphi Automotive Systems (Holding), Inc. (Delaware)  
Delphi Automotive Systems Global (Holding), Inc. (Delaware)  
Delphi Automotive Systems Human Resources LLC (Delaware)  
Delphi Automotive Systems International, Inc. (Delaware)  
Delphi Automotive Systems Korea, Inc. (Delaware)  
Delphi Automotive Systems LLC (Delaware)  
Delphi Automotive Systems Overseas Corporation (Delaware)  
Delphi Automotive Systems Risk Management Corp. (Delaware)  
Delphi Automotive Systems Services LLC (Delaware)  
Delphi Automotive Systems Tennessee, Inc. (Delaware)  
Delphi Automotive Systems Thailand, Inc. (Delaware)  
Delphi China LLC (Delaware)  
Delphi Connection Systems (California)  
Delphi Corporation (Delaware)  
Delphi Diesel Systems Corp. (Delaware)  
Delphi Electronics (Holding) LLC (Delaware)  
Delphi Foreign Sales Corporation (Virgin Islands)  
Delphi Integrated Service Solutions, Inc. (Michigan)  
Delphi International Holdings Corp. (Delaware)  
Delphi International Services, Inc. (Delaware)  
Delphi Liquidation Holding Company (Delaware)  
Delphi LLC (Delaware)  
Delphi Mechatronic Systems, Inc. (Delaware)  
Delphi Medical Systems Colorado Corporation (Colorado)  
Delphi Medical Systems Corporation (Delaware)  
Delphi Medical Systems Texas Corporation (Delaware)  
Delphi NY Holding Corporation (New York)  
Delphi Services Holding Corporation (Delaware)  
Delphi Technologies, Inc. (Delaware)  
DREAL, Inc. (Delaware)  
Environmental Catalysts, LLC (Delaware)  
Exhaust Systems Corporation (Delaware)  
Packard Hughes Interconnect Company (Delaware)  
Specialty Electronics International Ltd. (Virgin Islands)  
Specialty Electronics, Inc. (South Carolina)

**CONSOLIDATED LIST OF CREDITORS HOLDING  
THE FIFTY LARGEST UNSECURED CLAIMS**

Following is a list of the Debtors' creditors holding the fifty largest unsecured claims on a consolidated basis with its debtor-affiliates.<sup>1</sup> The list is prepared in accordance with Rule 1007(d) of the Federal Rules of Bankruptcy Procedure for filing a chapter 11 case. This list does not include (1) persons who come within the definition of an "insider" set forth in 11 U.S.C. § 101(31), or (2) secured creditors, unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the fifty largest unsecured claims.

	Name, Address, Phone and Fax No. of Creditor	Person(s) Familiar with Debtors' Account	Nature of Claim	Contingent, Unliquidated and/or Disputed	Approximate Amount of Claim
1.	General Motors Corporation 300 Renaissance Center P.O. Box 300 Detroit, MI 48265-3000  Tel: 313-665-4898 (Legal) Tel: 313-556-5000 (Main) Fax: 517-272-3709	John Devine, CFO	Trade, Warranty, and Other	Contingent and Unliquidated	Unknown
2.	International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers – Communications Workers of America 501 3rd Street N.W., 6th Floor Washington, D.C. 20001  Tel: 202-434-1156 Fax: 202-434-1343	James D. Clark, President	Wages and Benefits	Contingent and Unliquidated	Unknown
3.	Pension Benefit Guaranty Corp 1200 K Street, N.W. Washington, D.C. 20005  Tel: 202-326-4020 Fax: 202-326-4112	Jeffrey Cohen, Chief Counsel	Guaranty	Contingent and Unliquidated	Unknown

<sup>1</sup> All claims of affiliates are reported on a consolidated basis.

	Name, Address, Phone and Fax No. of Creditor	Person(s) Familiar with Debtors' Account	Nature of Claim	Contingent, Unliquidated and/or Disputed	Approximate Amount of Claim
4.	United Auto Workers 8000 E. Jefferson Detroit, MI 48214  Tel: 313-926-5000 Fax: 313-823-6016	Richard Shoemaker, Vice President & Director GM Department	Wages and Benefits	Contingent and Unliquidated	Unknown
5.	United Steel Workers 5 Gateway Center Pittsburgh, PA 15222  Tel: 412-562-2400 Fax: 412-562-2484	Leo W. Gerard, President	Wages and Benefits	Contingent and Unliquidated	Unknown
6.	Wilmington Trust Company Corporate Trust Office 1100 North Market Street Rodney Square North, Wilmington, DE 19890  Tel: 302-636-6058 Fax: 302-636-4143	Steven M. Cimalore, Vice President	Notes		\$2,000,000,000
7.	Law Debenture Trust Company of New York Corporate Trust Office 780 Third Ave, 31st Floor New York, NY 10017  Tel: 212-750-6474 Fax: 212-750-1361  and  Wilmington Trust Company Corporate Trust Office 1100 North Market Street Rodney Square North, Wilmington, DE 19890  Tel: 302-636-6058 Fax: 302-636-4143	Patrick Healy, Vice President  and  Steven M. Cimalore, Vice President	Junior Subordinated Notes		\$412,371,975

	Name, Address, Phone and Fax No. of Creditor	Person(s) Familiar with Debtors' Account	Nature of Claim	Contingent, Unliquidated and/or Disputed	Approximate Amount of Claim
8.	Flextronics International Asia Pacific 2 Robbins Road Westford, MA 01886  Tel: 978-392-3015 Fax: 978-392-3011	Joe Minville, Sr. Director, Business Development, Global Automotive Markets	Trade		\$40,781,535
9.	Freescall Semiconductor Inc 6501 William Cannon Drive West Austin, TX 78735-8598  Tel: 512-895-2093 Fax: 512-895-8746	Paul Grimme, Senior Vice President and General Manager, Transportation and Standard Products Group	Trade		\$22,710,027
10.	Robert Bosch Corporation 38000 Hills Tech Drive Farmington Hills, MI 48331-3417  Tel: 248-848-2555 Fax: 248-848-6505	Linda Lynch, Sales Manager, General Motors N.A.	Trade		\$15,069,265
11.	Siemens Automotive Ltd 2400 Executive Hill Blvd. Auburn Hills, MI 48326-2980  Tel: 248-209-5874 Fax: 248-209-7877	Peter H. Huizinga, Sales Manager, North American Sales	Trade		\$13,619,300
12.	PBR Automotive USA Pacific Group Ltd 140 Ellen Drive Orion Township, MI 48359  Tel: 248-340-1290 Fax: 248-377-4939	Gordon Diag, VP	Trade		\$10,542,285
13.	DMC 2 Canada Corporation 2347 Commercial Drive Auburn Hills, MI 48326  Tel: 248-292-2261 Fax: 248-340-2471	Bill Staron, Senior VP	Trade		\$8,976,696



	Name, Address, Phone and Fax No. of Creditor	Person(s) Familiar with Debtors' Account	Nature of Claim	Contingent, Unliquidated and/or Disputed	Approximate Amount of Claim
47.	Futaba Corp Of America 2865 Wall Triana Hwy Huntsville, AL 35824  Tel: 256-461-7348 Fax: 256-461-7741	Joe M. Dorris, President	Trade		\$3,350,622
48.	Victory Packaging 3555 Timmons Lane Suite 1440 Houston, TX 77027  Tel: 713-961-3299 Fax: 713-961-3824	Robert Egan, President	Trade		\$3,327,441
49.	Murata Electronics North 2200 Lake Park Drive Smyrna, GA 30080-7604  Tel: 770-433-7846 Fax: 678-842-6625	David M. McGinnis, Director Automotive Sales	Trade		\$3,234,841
50.	Niles USA Inc 41129 Jo Drive Novi, MI 48375  Tel: 248-427-9700 Fax: 248-427-9701	Michael Rudnicki, Account Manager  and  Scot McColl, Business Unit Manager	Trade		\$3,171,181

**DECLARATION CONCERNING THE DEBTOR'S LIST OF CREDITORS  
HOLDING THE FIFTY LARGEST UNSECURED CLAIMS**

I, John D. Sheehan, am the Vice President and Chief Restructuring Officer of Delphi Corporation and in such capacity am familiar with the financial affairs of the Debtors. I have reviewed the foregoing List of Creditors Holding the Fifty Largest Unsecured Claims, and declare that the information contained therein is true and correct to the best of my knowledge, belief and understanding.

Dated: October 8, 2005

s/ John D. Sheehan

John D. Sheehan

Vice President and Chief  
Restructuring Officer

Delphi Corporation

# Tuesday JOURNAL

OCTOBER 18, 2005

IN TOUCH • IN DEPTH • INVOLVED

THE FLINT JOURNAL

Flint, Michigan

## A \$2,300 hit?



Analyst says hourly GM workers would pay thousands for health care

By Rick Haglund  
Journal Detroit Bureau

**DETROIT** — A blockbuster agreement to cut General Motors' staggering health care costs is likely to inflict pain on workers but is a major step toward restoring the financial health of the entire domestic auto industry, experts say.

GM and the UAW announced a tentative agreement Monday that GM said would cut \$1 billion from its \$5.6-billion annual health care bill next year.

"This is bigger than I thought it would be," said David Cole, chairman of the Center for Automotive Research in Ann Arbor. "This is opening the door to a whole new era of collaboration between labor and management."

Cole predicted that Ford, which is struggling for survival, and the profitable Chrysler Group will demand similar deals on health care from the UAW and will likely get them.

In the early 1980s, the UAW gave wage and benefits concessions to keep the former Chrysler Corp. out of bankruptcy. It later agreed to similar

### WHAT HAPPENED

- General Motors said Monday it reached a tentative deal with the UAW to cut health care spending. GM says the deal would save it \$3 billion annually on a pretax basis and another \$15 billion in future retiree health care costs. One estimate is that hourly GM workers would pay \$2,300 more for health care under the new plan.

### WHY IT'S IMPORTANT

- GM provides health care to 750,000 U.S. hourly workers, retirees and their dependents. The automaker's health care bill will approach \$5.6 billion this year.

### WHAT'S NEXT

- The UAW must take the deal to its membership, which will vote to accept or reject it.

— The Associated Press

► Agreement, A2

## Workers, retirees await the details

By Melissa Burden  
mburden@flintjournal.com • 810.766.6316

General Motors retiree Raymond Wildey doesn't know what health care costs he will face in the future, now that GM reached a tentative deal with the UAW to lower its health-care liabilities.

"I'm just kind of waiting to hear more on the news," said Wildey, 71, of Mayfield Township.

The agreement, which must be ratified by UAW workers, would save the ailing automaker about \$1 billion in cash a year, GM said Monday.

GM didn't release any details of coverage changes for hourly workers or retirees, but said it would soon share them with those affected.

Wildey, a skilled trades

► Details, A2

▲ General Motors Chairman and CEO Rick Wagoner talks to the media Monday in Detroit after the automaker and UAW reached an agreement to help GM lower its health care costs.

The Associated Press • J. Kyle Keener

# Family mourns girl; search on for suspect

By Sally York

syork@flintjournal.com • 810.766.6322

FLINT — Niyauna Jones was a loving, energetic little girl who enjoyed playing mom to younger children and going to church.

Killed by a gunshot meant for someone else Thursday, the 5-year-old Flint girl leaves her family wanting justice.

Police say they believe the shooter's intended target was an employee of Universal Auto Sales in Genesee Township. The Flint man, 23, was riding in the back seat with Niyauna and her sister, Teaunna, 9, as their aunt and 18-year-old cousin took a Mercury Sable for a test drive about 2:30 p.m. Thursday.

A gunman shot at the



Niyauna

Teaunna

## To help Niyauna's family

- Those who wish to assist the Jones family with funeral and other expenses can donate to the Niyauna S. Jones Estate account at any Chase Bank.

car as it traveled down E. Carpenter Road in Genesee Township. Teaunna was wounded.

A man arrested Friday in the shooting could be

► Girl, A6

## Girl: Family mourns girl; man to be arraigned | ◀ A1

arraigned today or Monday, a police official said. Police are still searching for at least one other man wanted in the attack.

But Lula Jones, Niyauna's grandmother, said her relatives told her that when the employee saw a white car with the assailants in it approach, he threw himself on the floor of the back seat.

"He's just as responsible (as the men in the white car)," she declared. "He knew he was putting those children's lives at risk. None of them cared about the children."

The car lot's owners — one is the father of the employee who was in the car with the girls — did not respond to requests for comment.

On Saturday, family members shared memories of Niyauna.

"She was the most sweet, humble person you would want to meet," said Lula Jones.

"She was like a servant, always wanting to help out. When she cleaned up a room, it was like a big person had done it."

The bullet that hit Teaunna pierced only fatty tissue along the base of her back. She is home from the hospital and said she feels "fine" now.

But she's very sad about Niyauna.

"My sister was nice," said

Teaunna, who will start third grade at Wilkins Elementary School in the fall. "I hope the police find the men who did it."

Niyauna lived with her grandparents, her mother, Erma, and three siblings — Teaunna, Shireuna, 7, and Teonta, 4 — on E. Alma Avenue. Niyauna's father, Darren Mance, was stabbed to death when Erma Jones was pregnant with Niyauna, Lula Jones said.

"She never got to meet her daddy," Lula Jones said, shaking her head. "There is too much violence around. We have to show love to one another."

Family members said they are consoled by an outpouring of support from the community. One woman has donated a cemetery plot for Niyauna, and others have contributed to a special account set up in Niyauna's name to help cover funeral and other expenses, Lula Jones said.

But the family's main source of comfort is God, said Elgie Jones, Niyauna's grandfather.


"With the Lord's help, we have survived," he said. "When I pray, it comforts my heart. Without (God), we couldn't make it."

After the attack, the 18-year-old cousin drove to a nearby convenience store, seeking help. The car lot employee bailed out of the car at the store, jumped into another car and left. Police located him, unharmed.

Niyauna wasn't as fortunate.

"Niyauna loved the babies, and she loved the church," Lula Jones said. "She loved to go. Every time I got ready to go somewhere, she'd say, 'Grandma, can I go, too?'"

Jones said a funeral is planned for Thursday, but no other details have been decided. Arrangements are being handled by Lawrence E. Moon Funeral Home, 906 W. Flint Park Blvd., Flint.



**JONES, Missy NiYauna Sanay** - Age 5, passed away Thursday, July 6, 2006 at Hurley Medical Center. Family hour 11:30AM Thursday, July 13, 2006 at Bethlehem Temple Church of the Apostolic Faith, 3401 M.L. King Ave., with funeral service commencing immediately, at 12Noon, Pastor Wilbert Reed, Jr. officiating. Pastor Phillip Thompson, Host Pastor. Interment: Flint Memorial Park Cemetery, G-9506 N. Dort Hwy. Friends and palibearers will assemble at the funeral home 11:30AM Thursday. Missy Jones now lies in state in the Chapel of Lawrence E. Moon Funeral Home, 906 W. Flint Park Blvd., and may be viewed from 12Noon-8PM today. Missy NiYauna Sanay Jones was born January 10, 2001 in Flint, Michigan, the daughter of Erma M. Jones and Darren Mance. She was a resident of Flint and attended Bethlehem Temple Church of the Apostolic Faith. NiYauna was a very bright and loving child. Missy NiYauna Sanay Jones leaves to cherish her memory: mother, Erma M. Jones; grandparents, Artis Shackelford of Mt. Morris, Lula and Elgie Jones, Narvella and Thomas Brown; great-grandparent, Theora Shackelford; 7 sisters, Teanuna and Shireuna Jones, all of Flint, LaFreda Joy Jones of Detroit, Darnetta, Darnesha, Shyaneka, Sharda; 5 brothers, Teontae Jashon Jones of Flint, Darren L. Mance III, Jerrick, Darious and DeMario; 1 niece; 4 nephews; 4 aunts, Sabrina and Rolene Smith of Flint, LaDawn McBride of Atlanta, GA, Artis B. and Vernella Shackelford of Muskegon, MI; 3 uncles, Issac (Yolonda) Blackmon of Saginaw, MI, Deion Smith and James Jones, both of Flint; a host of cousins, including special cousin, Jordan Hinkle; many other relatives and friends, including special friend, Destiny Miller. Missy NiYauna Sanay Jones was preceded in death by her father, Darren Mance; brother, Darren Mance II. The family would like to express special thanks to Channel 12, the Flint Police Dept., Hurley Medical Center staff, all the caring friends and the community. May God bless you all.

**LAWRENCE E. MOON**  
**FUNERAL HOME**  
 906 W. Flint Park Blvd., 789-8888  
[www.lawrenceemoon.com](http://www.lawrenceemoon.com)  
[funeralhome.com](http://funeralhome.com)

**THE FLINT JOURNAL**  
 TOUCH DEPTH INVOLVED

A6 Wednesday, July 12, 2006

# Car lot employee held; third suspect charged in shooting

By Kim Crawford

kcrawford@flintjournal.com • 810.766.6242

A Flint man sought by local authorities as "a person of interest" in the shooting death of 5-year-old NiYauna Jones is being held by authorities as a flight risk.

Edward C. Williams, 23, is the employee of the car lot who was riding in the back seat of the car during a test drive on Carpenter Road on Thursday when people in another car opened fire, killing NiYauna and wounding sister, 9.

Genesee Township police say Williams was the target of the shooters.

Williams was initially questioned and released by police, but authorities decided over the weekend that they wanted to question him further.

Charged in the shooting are suspects Anthony J. Reed, 21; Felton J. Sealey, 23; and Michael L. Smith, 18, all of Flint.

"The more we learned, the more we felt he was a flight risk," said Genesee Township police Det. Curt Scheidler about Williams.

Williams turned himself in to police Tuesday afternoon after seeing news reports that he was wanted for questioning.

Court records show that Williams, who has previous convictions for receiving and concealing stolen property and for being a felon in possession of a firearm, is

scheduled to be sentenced next week by Genesee Circuit Judge Judith A. Fullerton for fleeing police in a case last December.

The third suspect, Reed, was arraigned Tuesday in Genesee County District

Court on charges of first-degree murder, assault with intent to murder and three weapons violations.

District Court Judge Christopher Odette ordered Reed held without bond on the murder charge.

The arraignment of Reed was routine in all respects but one: The Genesee County Sheriff's Department initially refused to bring Reed to court from the county jail for his scheduled 11 a.m. arraignment.

Capt. Chris Swanson of the sheriff's department appeared in Odette's courtroom to say that Reed wasn't being brought to court because of the "ongoing investigation" into the case.

That angered Odette, who set a noon show-cause hearing on why he should not hold Sheriff Robert J. Pickell in contempt for failing to produce the defendant. The confrontation was defused when deputies brought Reed into the courtroom.

The three suspects in the case will have pre-trial conferences, or a meeting between the attorneys involved in the case, on Friday. A preliminary examination on the charges will be scheduled within the next two weeks before District Judge David J. Goggins.



Williams

JULY 12, 2006

IN TOUCH • IN DEPTH • INVOLVED

# Wednesday JOURNAL

**UNITED STATES BANKRUPTCY COURT**

*SOUTHERN DISTRICT OF NEW YORK  
ONE BOWLING GREEN  
NEW YORK, NY 10004-1408*

**KATHLEEN FARRELL-WILLOUGHBY**  
CLERK OF COURT  
TELEPHONE: (212) 468-2870

December 13, 2005

Mr. LaFonza Earl Washington  
7010 Cranwood Drive  
Flint, MI 48505

Re: Delphi Corporation - 05-44481(RDD)

Dear Mr. Washington:

We are in receipt of four claims each in the amount of \$30,000,000 and filed in the above-referenced bankruptcy matter. Each claim is recorded separately in the consolidated case and noted on the claims register as follows:

Claim No. 257 filed on October 31, 2005 in Delphi Corporation  
Claim No. 264 filed on November 1, 2005 in Delphi Corporation  
Claim No. 288 filed on November 2, 2005 in Delphi Automotive Systems (Holding), Inc.  
Claim No. 297 filed on November 3, 2005 in Delphi Automotive Systems (Holding), Inc.

As I explained to you telephonically today, I cannot issue an order to pay any of these claims. The decision whether to enter any orders in this case can be made only by the Bankruptcy Judge assigned to the case or the particular proceeding. If you would like to present a motion to the Judge to request relief, you must, pursuant to Local Rule of Bankruptcy Procedure 5070-1:

"Unless the Court orders otherwise, prior to serving a motion, cross-motion, or application, the moving party or applicant shall obtain a return date from the assigned Judge's chambers."

Local Rule of Bankruptcy Procedure 9004-2(b) states:

"The return date obtained under this rule shall be included in the upper right-hand corner of the caption of the motion or application."

I have included a copy of this Court's Local Rule of Bankruptcy Procedure 9013-1 which addresses the requirements for filing a motion. Also enclosed is a copy of Local Bankruptcy Rule 9078-1, which addresses the need for a Certificate of Service. The motion or application must be served on all parties affected by the motion or application requesting relief.

Mr. LaFonza Earl Washington  
Page 2 - December 13, 2005

This letter and enclosures in no way constitutes all of the information needed to seek relief from the court. If you require additional assistance, you may want to seek the advice of counsel. The Clerk's Office is prohibited from providing legal advice.

Sincerely,

A handwritten signature in cursive script, reading "Kathleen Farrell-Willoughby".

Kathleen Farrell-Willoughby  
Clerk of Court



**DELPHI AUTOMOTIVE SYSTEMS (HOLDING), INC.  
UNANIMOUS WRITTEN CONSENT  
OF THE BOARD OF DIRECTORS**

**Dated as of October 6, 2005**

Pursuant to Section 141(f) of Delaware General Corporation Law, the undersigned, being all the members of the Board of Directors (the "Board") of Delphi Automotive Systems (Holding), Inc., a Delaware corporation (the "Corporation"), do hereby adopt, by this written consent, the following resolutions with the same force and effect as if they had been adopted at a duly convened meeting of the Board and direct that this written consent be filed with the minutes of the proceedings of the Board:

WHEREAS, the Board has been presented with a proposed petition to be filed by the Corporation in the United States Bankruptcy Court for the Southern District of New York seeking relief under the provisions of chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"), in which the authority to operate as a debtor-in-possession will be sought;

WHEREAS, the Corporation will benefit by the borrowings and use of cash collateral under that certain Revolving Credit, Term Loan and Guaranty Agreement, to be dated the date of the filing of the petition pursuant to Chapter 11 of the Bankruptcy Code (the "Loan Agreement") and together with each other document, instrument or agreement executed by the Corporation or any Guarantor in connection therewith, the "Loan Documents"), among Delphi Corporation (the "Parent") (the ultimate parent of the Corporation), the Corporation, each a debtor and debtor-in-possession in a case to be filed under Chapter 11 of the Bankruptcy Code, and the other subsidiaries of the Parent signatory thereto (each a "Guarantor" and collectively with the Corporation, the "Guarantors"), each of which Guarantors will be a debtor and debtor-in-possession in a case to be filed under Chapter 11 of the Bankruptcy Code (the cases of the Parent and the Guarantors, each a "Case" and collectively, the "Cases"), JPMorgan Chase Bank, N.A. ("JPMCB"), Citigroup USA, Inc. ("CUSA"), each of the other financial institutions from time to time party hereto (together with JPMCB and CUSA, the "Lenders"), JPMCB, as administrative agent (in such capacity, the "Administrative Agent") for the Lenders, and CUSA, as syndication agent (in such capacity, the "Syndication Agent"; together, the Administrative Agent and the Syndication Agent are the "Agents") for the Lenders; which Loan Documents (A) provide the Parent with loan facilities of \$2,000,000,000, comprised of (i) a revolving credit and letter of credit facility in an

aggregate principal amount of \$1,750,000,000 as set forth therein and (ii) a term loan in an aggregate principal amount of \$250,000,000 as set forth therein, (B) require all of the Parent's obligations therein to be guaranteed by the Guarantors, and (C) provide for the proceeds therefrom to be used for working capital and for other general corporate purposes of the Parent and its Subsidiaries, including the making of pension contributions, adequate protection payments to the pre-petition lenders, and the payment of transaction costs, fees and expenses in respect of the contemplated transactions and the Cases and the payment of all Restructuring Costs (as defined in the Loan Agreement);

WHEREAS, the Board has determined that it is in the best interests of this Corporation and its stakeholders that this Corporation file a petition seeking relief under the provisions of chapter 11 of title 11 of the Bankruptcy Code, in which the authority to operate as a debtor-in-possession would be sought.

NOW THEREFORE, BE IT RESOLVED, that this Corporation file a petition seeking relief under the provisions of chapter 11 of title 11 of the Bankruptcy Code, in which the authority to operate as a debtor-in-possession will be sought, and the filing of such petition is authorized hereby; and it is further

RESOLVED, that each of the president, vice president, secretary, treasurer, assistant secretary, assistant treasurer and chief tax officer of the Corporation be appointed by the Board as an authorized signatory (each, individually, an "Authorized Officer," and, collectively, the "Authorized Officers") in connection with the chapter 11 case authorized herein; and it is further

RESOLVED, that the Authorized Officers or any one of them be, and each of them hereby is, authorized, empowered and directed on behalf of this Corporation to execute and verify a petition in the name of the Corporation under chapter 11 of the Bankruptcy Code and to cause the same to be filed in the United States Bankruptcy Court for the Southern District of New York in such form and at such time as the Authorized Officer executing said petition on behalf of this Corporation shall determine; and it is further

RESOLVED, that all acts lawfully done or actions lawfully taken by any Authorized Officers or any other officers of the Corporation to seek relief under chapter 11 of the Bankruptcy Code or in connection with the chapter 11 case, or any matter related thereto, be, and hereby are, adopted, ratified, confirmed and approved in all respects as the acts and deeds of the Corporation; and it is further

RESOLVED, that the terms and provisions of the Loan Documents, with such deletions or changes therein or additions thereto (substantial or otherwise) as the Authorized Officer executing the same may approve, are hereby adopted and approved in all respects; and that the Corporation hereby is authorized to enter into the Loan Documents and perform its obligations under the Loan Documents and to execute, authorize, deliver, verify, and/or file, or cause to be executed, authorized, delivered, verified and/or filed all necessary documents required to consummate the transactions contemplated thereby, and the Corporation is hereby authorized to borrow and to request letters of credit under the Loan Documents, and to pledge, mortgage or grant a lien or a security interest in, assets of the Corporation as security for such borrowing; and it is further

RESOLVED, that each and every officer, including the Authorized Officers, of the Corporation be, and each of them, acting alone, is hereby authorized, directed and empowered from time to time in the name and on behalf of the Corporation to take any and all such actions, and to execute and deliver or cause to be executed and delivered under seal of the Corporation or otherwise, any and all such other documents, agreements, certificates, writings and instruments to be delivered in connection with the Loan Documents (including, without limitation, any amendments, supplements or modifications to the Loan Documents and such other documents, agreements, certificates, writings and instruments to be delivered in connection therewith), and to grant the security interests in or liens on any real or personal property of the Corporation now or hereafter acquired as contemplated by the Loan Documents, with full authority to indorse, assign or guarantee any of the foregoing in the name of the Corporation, in each case, as any such officer may deem necessary or advisable to carry out the intent and purposes of the immediately foregoing resolution, his or her execution and delivery thereof to be conclusive evidence that he or she deems it necessary or advisable, his or her execution and delivery thereof to be conclusive evidence of his or her authority to so act and of his or her approval thereof; and it is further

RESOLVED, that the Authorized Officers be, and each of them hereby is, authorized and empowered to execute, deliver and perform for and on behalf of the Corporation, as a debtor and debtor-in-possession, such agreements, instruments and any and all other documents and amendments necessary or appropriate to facilitate the transactions contemplated by the foregoing resolutions, containing such provisions, terms, conditions, covenants, warranties and representations as may be deemed necessary or appropriate by the Authorized Officer or Authorized Officers so acting; and it is further

RESOLVED, that the Authorized Officers be, and each of them hereby is, authorized and empowered to authorize the Agent (as

defined in the Loan Agreement) to file any Uniform Commercial Code (the "UCC") financing statement the Agent deems necessary or convenient to perfect any lien or security interest granted under any agreement of the Corporation granting security to the Agent for the benefit of the Lenders, including any such UCC financing statement containing a super-generic description of collateral, such as "all assets", "all property now or hereafter acquired" and other similar descriptions of like import and to execute and deliver, and to record or authorize the recording of, such mortgages and deeds of trust in respect of real property of the Corporation and such other filing in respect of intellectual and other property of the Corporation, in each case as the Agent may reasonably request to perfect the security interests of the Agent and the Lenders under the Loan Documents; and it is further

RESOLVED, that the Corporation as an indirect wholly-owned subsidiary of Parent, hereby is authorized and empowered to take or cause to be taken any and all such further action and to execute and deliver or cause to be executed or delivered all such further agreements, consents, resolutions, documents, certificates and undertakings, and to incur all such fees and expenses as in its judgment shall be necessary, appropriate or advisable to cause and authorize the Corporation to guaranty, including, without limitation, any guaranty required by the Agent as a condition of the Lenders entry into the Loan Documents, the borrowing by the Parent of funds from a Lender or Lenders as any Authorized Officer of the Corporation or Parent deems appropriate, and obtain the use of cash collateral in such amounts, from such lender or lenders and on such terms as may be approved by any one or more of the Authorized Officers as reasonably necessary for the continuing conduct of the affairs of the Corporation and Parent and the Corporation may grant security interests in and liens upon all or any portion of its assets as may be deemed necessary by any one or more of the Authorized Officers in connection with such borrowings or the use of such cash collateral, including, without limitation, any grant of security, liens or mortgages required by the Agent as a condition of the Lenders entry into the Loan Documents; and it is further

RESOLVED, that Rothschild, Inc. be, and hereby are, employed as financial advisors and investment bankers for the Corporation in the chapter 11 case; and it is further

RESOLVED, that the law firm of Skadden, Arps, Slate, Meagher & Flom LLP and its affiliates be, and hereby are, employed under general retainer as attorneys for the Corporation in the chapter 11 case; and it is further

RESOLVED, that the law firm of Shearman & Sterling LLP be, and hereby are, employed as special counsel for the Corporation in the chapter 11 case; and it is further

RESOLVED, that FTI Consulting, Inc. be, and hereby are, employed as restructuring advisor for the Corporation in the chapter 11 case; and it is further

RESOLVED, that the Authorized Officers of the Corporation be, and each of them, with full authority to act without the others, hereby is, authorized, in the name and on behalf of the Corporation, to take or cause to be taken any and all such further action and to execute and deliver or cause to be executed or delivered all such further agreements, documents, certificates and undertakings, and to incur and pay or cause to be paid all such fees and expenses as in their judgment shall be necessary, appropriate or advisable to effectuate the purpose and intent of any and all of the foregoing resolutions; and it is further

RESOLVED, that in addition to the specific authorizations heretofore conferred upon the Authorized Officers of the Corporation, each of the Authorized Officers of the Corporation be, and they hereby are, authorized and directed to take or perform or cause to be taken or performed all such further actions, to execute and deliver or cause to be executed and delivered all such further certificates, agreements, instruments and documents in the name and on behalf of the Corporation, to incur and pay or cause to be paid all such fees and expenses as in their judgment shall be necessary or advisable in order to carry out fully the intent and purposes of the foregoing resolutions; and it is further

RESOLVED, that all actions heretofore taken consistent with the purpose and intent of the foregoing resolutions are hereby ratified, confirmed and approved in all respects as the acts and deeds of the Corporation; and it is further

RESOLVED, that this consent may be signed in any number of counterparts, each of which shall be an original and all of which, taken together, shall constitute one and the same instrument and that once signed, this consent shall be filed with the corporate records of the Corporation; and it is further

RESOLVED, that the foregoing resolutions shall be effective upon, and only in the event that, the Parent resolves to file a petition seeking relief under the provisions of chapter 11 of title 11 of the Bankruptcy Code.

When signed by all members of the Corporation's Board of Directors, this unanimous written consent shall be effective as of the date first written above.

[SIGNATURE PAGE FOLLOWS]

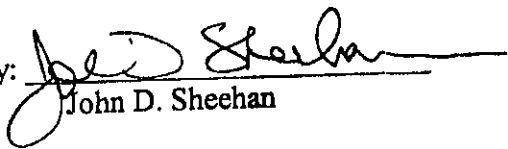
IN WITNESS WHEREOF, the undersigned have executed  
this unanimous written consent of the Board of Directors as of the date  
first written above.

By:   
Mark C. Lorenz

By: \_\_\_\_\_  
John D. Sheehan

IN WITNESS WHEREOF, the undersigned have executed  
this unanimous written consent of the Board of Directors as of the date  
first written above.

By: \_\_\_\_\_  
Mark C. Lorenz

By:  \_\_\_\_\_  
John D. Sheehan



**U.S. Department of Justice**  
*United States Attorney*  
*Southern District of New York*

86 Chambers Street, 3rd Floor  
New York, New York 10007

April 11, 2006

Mr. Lafonza Earl Washington  
7010 Cranwood Drive  
Flint, MI 48505

Re: Delphi Corp., et al.  
No. 05-44481 (RDD) (Ch. 11)

Dear Mr. Washington:

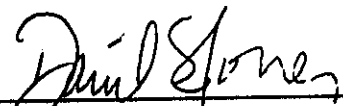
I write to follow up on our telephone call of today and your fax of April 6, a copy of which I enclose. Based on my review of the materials and our discussion, I understand that you are seeking payment from the United States in connection with your interest in the above-referenced bankruptcy. This Office represents the United States, and is not the appropriate place to request such a payment, nor would we agree that any payment is due to you from the Government.

Our telephone call was cut off just as we were discussing a possible criminal complaint to be lodged by you. As I stated, if you request, I will forward whatever you would like to the Criminal Division attorneys responsible for investigating instances of bankruptcy fraud, so that they could assess your complaint. If you would like me to do so, please send me whatever you would like transmitted to our Criminal Division, and I will forward it to them. I know that you also have reached out to the Office of the United States Trustee, which also has a role in investigating bankruptcy fraud.

Finally, as I stated but wish to emphasize, my responsibility is to represent the United States in bankruptcy cases in the Southern District of New York, generally as a creditor. I do not represent you and am not authorized to give you legal advice. I urge you to consult an attorney for legal advice concerning any rights you may have as against Delphi, or any other party.

Sincerely,

MICHAEL J. GARCIA  
United States Attorney

By:   
DAVID S. JONES  
Assistant United States Attorney  
Tel.: (212) 637-2800

**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

---

*86 Chambers Street, 3rd Floor  
New York, New York 10007*

December 15, 2005

Mr. Lafonza Earl Washington  
7010 Cranwood Drive  
Flint, MI 48505

Re: Delphi Corp., et al.,  
No. 05-44481 (RDD) (Ch. 11)

Dear Mr. Washington:

I write to follow up on our telephone call earlier this week, on our prior conversations, and on your correspondence including transmittals dated December 5 and November 28, 2005, concerning the Delphi Corp. bankruptcy.

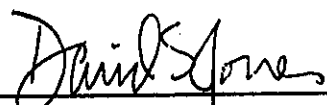
As I explained, this Office represents the interests of United States agencies in bankruptcy proceedings in the Southern District of New York. I see no basis for me or the Civil Division of this Office to take action on your behalf. While I did offer to relay any allegation of criminal conduct to the attorneys responsible for investigating alleged instances of bankruptcy fraud or similar crimes, I have not done so because you stated that you did not want to refer this as a criminal matter.

As I also explained, I am not permitted to give you legal advice, and I encourage you to consult an attorney if you wish to further assess your rights or pursue any action against Delphi.

Sincerely,

MICHAEL J. GARCIA  
United States Attorney

By:

  
DAVID S. JONES  
Assistant United States Attorney  
Tel.: (212) 637-2800

6270262

LATHAM & WATKINS LLP  
885 Third Avenue  
New York, New York 10022-4802  
Telephone: (212) 906-1200  
Robert J. Rosenberg (RR-9585)  
Mitchell A. Seider (MS-4321)  
Mark A. Broude (MB-1902)  
Email: robert.rosenberg@lw.com  
mitchell.seider@lw.com  
mark.broude@lw.com

Attorneys for the Official Committee of Unsecured Creditors

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----  
In re: ) Chapter 11  
 )  
DELPHI CORPORATION, et al., ) Case No. 05-44481(RDD)  
 )  
 ) Jointly Administered  
 )  
 )  
 )  
 )  
Debtors. )  
-----

**NOTICE OF AMENDED APPLICATION AND ENTRY OF INTERIM ORDER UNDER  
11 U.S.C. §§ 328 AND 1103 AUTHORIZING EMPLOYMENT AND RETENTION OF  
JEFFERIES & COMPANY, INC. AS INVESTMENT BANKER TO THE OFFICIAL  
COMMITTEE OF UNSECURED CREDITORS**

TO: ALL KNOWN CREDITORS OF THE DEBTORS AND UNITED  
STATES TRUSTEE FOR THE SOUTHERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that on February 17, 2006, the Official Committee of  
Unsecured Creditors appointed in the above-captioned cases (the "Committee") filed its  
amended application, dated February 17, 2006, of for entry of interim and final orders under 11  
U.S.C. §§ 328(a) and 1103 and Rules 2014, 2016 and 5002 of the Federal Rules of Bankruptcy  
Procedure authorizing the employment and retention, as of October 18, 2005, of Jefferies &  
Company, Inc. ("Jefferies") as its investment banker (the "Application").

PLEASE TAKE FURTHER NOTICE that, on April 11, 2006, the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") entered an order (the "Interim Order") authorizing the employment and of Jefferies on an interim basis pending a final hearing on the Application.

PLEASE TAKE FURTHER NOTICE that pursuant to the Application, the Committee is seeking to retain Jefferies, pursuant to that certain Engagement Letter, dated as of December 19, 2005, by and among the Committee and Jefferies (the "Engagement Letter"), to perform, among others, the following services:

- a) valuation of the Debtors' enterprise value, on a consolidated and division basis;
- b) pricing of any securities to be issued in the Restructuring, as well as evaluation of the terms of any such securities;
- c) evaluation of any financing proposed as part of the Restructuring, including, without limitation, debtor in possession financing and exit financing;
- d) assist and advise the Committee in examining and analyzing any potential or proposed strategy for restructuring or adjusting the Debtors' outstanding indebtedness, labor costs or capital structure, including, without limitation, assessment of leverage and capital structure of the reorganized entities, evaluation of business acquisitions/divestitures (including monitoring of any purchase/sale process);
- e) analysis of restructuring proposals from various constituencies, including, without limitation, labor concession proposals, pension and OPEB restructuring plans;
- f) assist and advise the Committee in evaluating and analyzing the proposed implementation of a Restructuring; and
- g) render such other investment banking services as may from time to time be agreed upon by the Committee and Jefferies, including, without limitation, providing expert testimony and other expert and investment banking support related to any threatened, expected, or initiated litigation.

PLEASE TAKE FURTHER NOTICE that, if the Application is approved, Jefferies will, unless such terms prove to be improvident in light of developments not capable of being anticipated at the time of the Hearing, be entitled to receive compensation as set forth in the Engagement Letter. In summary, Jefferies will be entitled to receive the following:

(a) a monthly fee (the "Monthly Fee") of \$175,000 per month, and

(b) a transaction fee (the "Transaction Fee") in an amount equal to (i) 0.5% of Total Consideration<sup>1</sup> greater than \$0.50 up to and including \$0.75 per \$1.00 of allowed unsecured claim, and (ii) 0.75% of Total Consideration greater than \$0.75 per \$1.00 of allowed unsecured claim (such fee arrangement is hereinafter referred to as the "Fee Structure"). The Transaction Fee for Jefferies shall not be less than \$2 million or greater than \$10 million (the "Cap"); provided that notwithstanding any language in the Engagement Letter, an additional payment request, if any, by Jefferies, for whatever reason, shall not exceed \$2 million above the Cap.

(c) reimbursement of all reasonable out-of-pocket expenses, including, without limitation, all reasonable travel expenses, duplicating charges, messenger services, long distance telephone calls and other customary expenditures incurred by Jefferies in performing its investment banking services.

PLEASE TAKE FURTHER NOTICE that if the Application is granted, the Debtors and their estates will indemnify and hold harmless Jefferies, its agents, principals and employees for all claims, damages, liabilities and expenses to which such parties may have been

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<sup>1</sup> "Total Consideration" is defined as the aggregate consideration, if any, paid by the Debtors on account of allowed unsecured claims pursuant to the any plan of reorganization confirmed in these cases (including any amounts in escrow), but excluding any consideration paid on account of allowed claims of the Pension Benefit Guaranty Corporation, or any assignee thereof. The Transaction Fee will be payable on the earlier of (a) the date of the receipt of initial distributions by the Debtors' unsecured creditors and (b) the effective date of the plan. To the extent the Total Consideration is paid in cash, the Transaction Fee is also payable in cash. To the extent the Total Consideration will consist of non-cash consideration, in the Committee's sole discretion, the Transaction Fee may be payable in like consideration.

subject to as a result of their involvement with providing investment banking services, except to the extent that such claims, damages, liabilities and expenses resulted, in whole or in part, from bad-faith, self-dealing, breach of fiduciary duty, if any, gross negligence or willful misconduct.

PLEASE TAKE FURTHER NOTICE that the foregoing summary of certain elements of Jeffries' retention is not complete and that the full terms of the retention are contained in the Application and the Engagement Letter, which are available for inspection at the office of the clerk of the Bankruptcy Court and on the Bankruptcy Court's internet site at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov), through an account obtained from Pacer Services Center at 800-676-6856. To the extent that the summary of the retention terms set forth in this notice conflict with the terms of the Engagement Letter, the terms of the Engagement Letter shall control.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the approval of the Application on a final basis must (a) be in writing; (b) conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Southern District of New York, (c) be filed with the Bankruptcy Court in accordance with General Order M-242, as amended (registered users of the Bankruptcy Court's case filing system must file electronically and all other parties-in-interest must file on a 3.5 inch disk, preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format), (d) be submitted in hard-copy form directly to the chambers of the Honorable Robert Drain, United States Bankruptcy Judge, and (e) served upon (i) Jefferies at 520 Madison Avenue, 5<sup>th</sup> Floor, New York, NY 10022 (Att'n: William Q. Derrough), (ii) counsel to Jefferies, Milbank, Tweed, Hadley & McCloy LLP, at One Chase Manhattan Plaza, New York, NY 10005 (Att'n: Susheel Kirpalani), (iii) counsel to the Committee, Latham & Watkins LLP, at 885 Third Avenue, New York, NY 10022, (iv) the Debtors at Delphi Corporation, 5725 Delphi Drive, Troy, Michigan

48098 (Att'n: General Counsel), (v) counsel to the Debtors, Skadden, Arps, Slate, Meagher & Flom, 333 West Wacker Drive, Suite 2100, Chicago, Illinois 60606 (Att'n: John Wm. Butler, Jr.), (vi) special counsel to the Debtors, Shearman & Sterling LLP, 599 Lexington Avenue, New York, New York 10022 (Att'n: Douglas P. Bartner), (vii) counsel to the agent under the Debtors' postpetition credit facility, Davis Polk & Wardell, 450 Lexington Avenue, New York, New York 10017 (Att'n: Marlane Melican), (viii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, Suite 2100, New York 10044 (Att'n: Deirdre A. Martini, Esq.), and (ix) the indenture trustees for the Debtors' outstanding debt securities, Wilmington Trust Company, 1100 North Market Street, Rodney Square North, Wilmington, Delaware 19890 (Att'n: Corporate Trust Office) and Law Debenture Trust Company of New York, 780 Third Avenue, 31<sup>st</sup> Floor, New York, New York 10017 (Att'n: Corporate Trust Office), in each case so as to be **received** no later than **4:00 p.m. Eastern Time on June 8, 2006.**

PLEASE TAKE FURTHER NOTICE that a hearing to consider approval of the Application on a final basis will be held on June 15, 2006 at 10:00 a.m. before the Honorable Robert Drain, United States Bankruptcy Judge, in the Bankruptcy Court, Courtroom 610, One Bowling Green, New York, New York 100004-1408.

Date: New York, New York  
April 11, 2006

**LATHAM & WATKINS LLP**

By: /s/ Robert J. Rosenberg  
Robert J. Rosenberg (RR-9585)  
Mitchell A. Seider (MS-4321)  
Mark A. Broude (MB-1902)  
885 Third Avenue, Suite 1000  
New York, New York 10022  
Telephone: (212) 906-1200

Attorneys for the Official Committee of Unsecured  
Creditors

## Case Information

#14

Below is pertinent case information regarding Delphi's chapter 11 filing.

<b>Debtors</b>	Delphi Corp.	
<b>Filing Date</b>	October 8, 2005	
<b>Case Number</b>	05-44481	
<b>Where Filed</b>	United States Bankruptcy Court for the Southern District of New York	
<b>Judge</b>	Robert D. Drain	
<b>Court Filed Documents</b>	<a href="http://www.delphidocket.com">www.delphidocket.com</a>	
<b>Bankruptcy Court Website</b>	<a href="http://www.nysb.uscourts.gov">www.nysb.uscourts.gov</a>	
<b>DIP Financing.</b>	\$4.5 billion in credit facilities, including a new \$2 billion debtor -in-possession (DIP) financing facility.	
<b>Legal Advisors</b>	<p>John Wm. Butler, Jr. John K Lyons Ron E. Meisler Skadden, Arps, Slate, Meagher &amp; Flom LLP 333 West Wacker Drive Chicago, Illinois 60606</p> <p>Kayalyn A Marafioti Thomas J. Matz Skadden, Arps, Slate, Meagher &amp; Flom LLP Four Times Square New York, New York 10036</p>	
<b>Notice and Claims Agent</b>	Kurtzman, Carson Consultants 12910 Culver Blvd., Suite 1 Los Angeles, California 90066 +1 310.823.9000	<a href="http://www.delphidocket.com">www.delphidocket.com</a>
<b>Reorganization Information Hotline</b>	U.S. +1 866.688.8740	International: +1 248.812.2601
<b>Supplier Hotline</b>	U.S. +1 866.688.8679	International: +1 248.813.2602



SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

333 WEST WACKER DRIVE  
CHICAGO, ILLINOIS 60606-1285

TEL: (312) 407-0700

FAX: (312) 407-0411

www.skadden.com

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VIENNA

DIRECT DIAL  
312-407-0805

EMAIL ADDRESS  
JDEMMA@SKADDEN.COM

December 20, 2005

Via Fed Ex

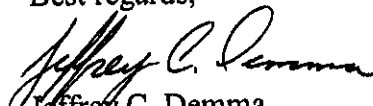
Lafonza Earl Washington  
7010 Cranwood Drive  
Flint, MI 48505

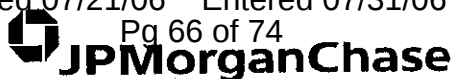
Re: In re Delphi Corporation, et al.,  
Case No. 05-44481 (RDD)

Dear Mr. Washington:

I am writing to inform you that the Ex Parte Application (and Motion) of Claimant Lafonza Washington for Order Directing Clerk to Correct Omissions and to Issue Final Process to Enforce and Execute Minute Orders - Nunc Pro Tunc - To Disburse \$30,000,000.00 According to Proof of Claims Deemed Allowed and Orders Previously Entered by the Court on October 8, 2005 (the "Motion") (Docket No. 1529) failed to comply with the Order Under 11 U.S.C. §§ 102(1) and 105 and Fed. R. Bankr. P. 2002(m), 9006, 9007 and 9014 Establishing (I) Omnibus Hearing Dates, (II) Certain Notice, Case Management, and Administrative Procedures, and (III) Scheduling an Initial Case Conference in accordance with Local Bankr. R. 1007-2(e) (the "Case Management Order") (Docket No. 245), a copy of which I have included for your review. Because your Motion does not comply with procedures provided in the Case Management Order, you will have to re-file and re-notice your pleading.

Best regards,

  
Jeffrey C. Demma  
Legal Assistant



Grace (Nikki) Appel  
Vice President and  
Assistant General Counsel  
Legal Department

April 25, 2006

Mr. LaFonza Earl Washington  
7010 Cranwood Drive  
Flint, MI 48505

Subject: Delphi Corporation 05-44481

Dear Mr. Washington:

Reference is made to your proof of claims ("Claims") filed in the above referenced bankruptcy case. As discussed, we are not the claims administrator on this matter. Should you have questions relating to your Claims, you should contact Kurtzman Carson Consultants LLC ("KCC") regarding these Claims.

Sincerely,

A handwritten signature in black ink, appearing to read 'Grace (Nikki) Appel'.

Grace (Nikki) Appel, Esq.

cc: Christine Doria  
Craig Stolow  
Gloria J Marshall-Figueroa

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
333 West Wacker Drive, Suite 2100  
Chicago, Illinois 60606  
(312) 407-0700  
John Wm. Butler, Jr. (JB 4711)  
John K. Lyons (JL 4951)  
Ron E. Meisler (RM 3026)

- and -

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
Four Times Square  
New York, New York 10036  
(212) 735-3000  
Kayalyn A. Marafioti (KM 9632)  
Thomas J. Matz (TM 5986)

Attorneys for Delphi Corporation, et al.,  
Debtors and Debtors-in-Possession

Delphi Legal Information Hotline:  
Toll Free: (800) 718-5305  
International: (248) 813-2698

Delphi Legal Information Website:  
<http://www.delphidocket.com>

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x	:	
	:	
In re	:	Chapter 11
	:	
DELPHI CORPORATION, <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	
	:	(Jointly Administered)
Debtors.	:	
----- x	:	

DEBTORS' RESPONSE TO LAFONZA EARL WASHINGTON  
DEMAND FOR IMMEDIATE DISTRIBUTION

Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), hereby submit this Response (this "Response") to the Demand For Immediate Distribution filed by Lafonza Earl Washington, dated November 10, 2005 (the "Demand") (Docket No. 1187), and respectfully represent as follows:

Preliminary Statement

1. On October 28, 2005, Lafonza Earl Washington (the "Claimant"), who has no known relationship to any of the Debtors, filed four proofs of claim, claim nos. 00257, 00264, 00288, and 00297 (individually, a "Proof of Claim" and, collectively, the "Proofs of Claim") against Delphi Automotive Systems (Holding), Inc. Each Proof of Claim asserts that the Claimant is entitled to a \$30 million unsecured priority claim on the basis of, inter alia, involuntary servitude, six years of deprivation of General Motors-related income, and severance pay due to the Claimant based on the July 2, 1999 closing of the Buick City General Motors Corporation ("GM") plant. (Supporting Documents appended to Claimant's Proofs of Claim ¶¶ (v)(a), (vii), and (viii)). In the Demand, the Claimant requested that the United States Trustee immediately distribute \$30 million to him. Without providing a definitive calculation, the amount of the Proofs of Claim purports to be comprised of compensation due to the Claimant for worker's compensation benefits, deprivation of certain property rights, and payment of certain fees and expenses incurred by the Claimant over a period of more than 33 years, from June 13, 1973 through the present.

2. Subsequently, the Claimant has filed numerous other pleadings in these cases in which he has asserted a host of claims and allegations. To date, the

Claimant has filed twenty pleadings, totaling hundreds of pages, in which he directs his grievances and allegations not only at the Debtors, but also at various United States Trustees, this Court, and multiple other parties. The Claimant appears to have attempted to summarize his claims in his June 23rd pleading (Docket No. 4444) in which he requested a hearing date.<sup>1</sup>

3. The Debtors respectfully submit that because neither the Claimant nor his spouse was ever an employee of the Debtors, the Claimant was never and is not now entitled to any employment-related compensation or severance pay from the Debtors. In addition, the Debtors deny all of the bases for relief asserted by the Claimant and submit that the Claimant has articulated no grounds for relief from the Debtors. Thus, the Claimant is not entitled to any distribution of payment from the Debtors.

4. To the extent that the Claimant has a rightful claim against the Debtors, it would be premature to adjudicate it now. Pursuant to the provisions of the Bar Date Order, dated April 12, 2006 (Docket No. 3206), the date by which any claim against the Debtors must be received is July 31, 2006. All claims filed will thereafter be dealt with in the claims administration process. Therefore, to the extent that the Claimant has a legitimate claim against the Debtors, it will be addressed as part of that process and need not be heard on an expedited basis.<sup>2</sup>

---

<sup>1</sup> On July 5, 2006, the Claimant filed four pleadings, one of which was a withdrawal of his request for a hearing on his claims (Docket No. 4455).

<sup>2</sup> Perhaps the Claimant's withdrawal of his request for a hearing (Docket No. 4455) is an acknowledgement on his part that his demands are premature.

Argument

A. The Claimant Was Never An  
Employee Of The Debtors

5. Neither the Claimant nor his spouse has ever been an employee of the Debtors. In fact, in no pleading filed by the Claimant does he ever even assert or offer proof that he was ever an employee of the Debtors. Further, the Claimant has referenced an employment history that relates only to GM: the Claimant states that he was "hired into the General Motors Corp. (GM) on 6-13-73 at the age of 18" and "perform[ed]. . . labor for it 32 years after initial hire". The one reference to possible employment by Delphi that the Claimant asserts is that "GM attempted to force this Claimant to 'involuntarily' transfer to Delphi in Saginaw, Michigan after it permanently closed the Buick City plant." (Supporting Documents appended to Claimant's Proofs of Claim ¶¶ (A)(i), (v)(a), and (v)(b)) (emphasis in original). The Claimant must never have accepted this transfer because to the best of Delphi's knowledge, the Claimant was never an employee of any of the Debtors. The Debtors' files show no record of the Claimant's ever having been their employee.

6. Because the only plausible basis for the Claimant to assert a claim for employment-related back pay or compensation would rest entirely on the basis of the Claimant's currently being, or having been, an employee of the Debtors, any such claim must fail for the simple reason that neither the Claimant nor his spouse was ever employed by the Debtors. Therefore, the Claimant has raised no legitimate basis for relief from the Debtors.

B. The Claimant's Allegations Are  
Prematurely Before The Court

7. The Claimant has asserted a variety of other allegations that extend not only to the Debtors, but also to a multitude of other parties. Among other things, the Claimant has stated that parties to these cases are involved in the attempted "seditions and subversive overthrow of the United States Bankruptcy system" (Docket No. 2807, ¶ 5), that "the stockholders of the [sic] Delphi, GM, and International UAW corporations. . . is [sic] behind the[se] holocaustic human rights violations" (Docket No. 4456, ¶7), that the United Nations and the United States Trustees have deliberately compounded Claimant's wrongs and injuries in violation of his human rights (Docket No. 2474, ¶8), and that the Debtors, GM, the UAW, this Court, JPMorgan Chase, et al., have conspired and colluded to deny the Claimant relief (Docket No. 4001, Section II, ¶1). For his injuries, the Claimant currently demands more than \$300 million, including interest, penalties, and other charges.

8. The Claimant's allegations are quite extensive and are equally broad in their reach in terms of blame and responsibility. These allegations, insofar as they are directed at the Debtors, are wholly-unfounded and unsubstantiated.

9. To the extent that the Claimant has made a claim against the Debtors, however, that claim will be dealt with during the claims administration process. Because that process has not yet even begun, the Claimant's demand for relief from the Debtors is premature.

Conclusion

10. Neither the Claimant nor his spouse has ever been an employee of the Debtors. Therefore, the Claimant is not entitled to any employment-related relief from the Debtors.

11. To the extent that there are general claims that the Claimant has against the Debtors' estates that are timely filed in accordance with the provisions of the Bar Date Order, those claims will be dealt with as part of the claims administration process.

12. Based on the foregoing, the Claimant's demand for relief and immediate distribution from the Debtors should be denied. The Claimant has failed to assert any valid or legitimate basis to support his claims against the Debtors. To the extent that the Claimant has a valid claim for compensation or work-related pay, the Debtors lack knowledge or information sufficient to form a belief as to whether such a grievance may be valid against some other entity, but such claims against the Debtors have no basis, and the Claimant has not asserted any. To the extent that the Claimant asserts non-employment-related claims against the Debtors, such claims will be dealt with during the claims administration process. The Claimant's allegations should not be litigated at this time.

Notice

13. Notice of this Response has been provided in accordance with the Seventh Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered by this Court on May 19, 2006



(Docket No. 3824). In light of the nature of the relief requested, the Debtors submit that no other or further notice is necessary.

Memorandum Of Law

14. Because the legal points and authorities upon which this Response relies are incorporated herein, the Debtors respectfully request that the requirement of the service and filing of a separate memorandum of law under Local Rule 9013-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York be deemed satisfied.

WHEREFORE the Debtors respectfully request that the Court enter an order (i) denying the Demand and (ii) granting the Debtors such other and further relief as is just.

Dated: New York, New York  
July 12, 2006

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